SHERIFF'S PREFACE

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CORE VALUES

Ethics, Loyalty, Honesty, Accountability, Professionalism, Integrity, and Commitment

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LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION/VISION/CORE VALUE STATEMENTS

Mission

Committed to professional service and protection.

Vision

To be the leading Public Safety Agency in Imperial County through progressive, innovative law enforcement services. This will be accomplished through collaborative efforts, responsible use of resources, sound administrative policies, technological advances, and leadership development.

Core Values

Ethics, Loyalty, Honesty, Accountability, Professionalism, Integrity, and Commitment

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VISION STATEMENT

To be the leading Public Safety Agency in Imperial County through progressive, innovative law enforcement services. This will be accomplished through collaborative efforts, responsible use of resources, sound administrative policies, technological advances, and leadership development..

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MISSION STATEMENT

Committed to professional service and protection..

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Table of Contents

Sheriff's Preface . . . 1

Core Values . . . 2

Law Enforcement Code of Ethics . . . 3

Mission/Vision/Core Value Statements . . . 4

Vision Statement . . . 5

Mission Statement . . . 6

Chapter 1 - Law Enforcement Role and Authority . . . 12

100 - Law Enforcement Authority . . . 13
101 - Chief Executive Officer . . . 15
102 - Oath of Office . . . 16
103 - Policy Manual . . . 17
104 - Law Enforcement Code of Ethics . . . 21

Chapter 2 - Organization and Administration . . . 22

200 - Organizational Structure and Responsibility . . . 23
201 - Departmental Directive . . . 25
202 - Emergency Management Plan . . . 27
203 - Training . . . 28
204 - Electronic Mail . . . 31
205 - Administrative Communications . . . 33
206 - License to Carry a Firearm . . . 34
207 - Retiree Concealed Firearms . . . 42

Chapter 3 - General Operations . . . 47

300 - Use of Force . . . 48
301 - Use of Force Review Boards . . . 58
302 - Handcuffing and Restraints . . . 61
303 - Pepperball Launcher . . . 65
304 - Control Devices and Techniques . . . 68
305 - Conducted Energy Device . . . 73
306 - Officer-Involved Shootings and Deaths . . . 79
307 - Firearms . . . 87
308 - Deputy Response to Calls . . . 99
309 - Canines . . . 103
310 - Domestic Violence . . . 111
311 - Verbal Service of Restraining Orders . . . 118
312 - Search and Seizure . . . 120
313 - Searches of Persons . . . 122
314 - Temporary Custody of Juveniles . . . 124
315 - Senior and Disability Victimization . . . 135
316 - Discriminatory Harassment . . . 149
317 - Child Abuse . . . 155
318 - Missing Persons . . . 163
319 - Public Alerts . . . 169
320 - Code Able . . . 175
321 - Victim and Witness Assistance . . . 182
322 - Hate Crimes . . . 185

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323 - Standards of Conduct . . . 195
324 - Information Technology Use . . . 202
325 - Report Preparation . . . 206
326 - Media Relations . . . 211
327 - Court Appearance And Subpoenas . . . 215
328 - Reserve Deputies . . . 218
329 - Field Training Deputy . . . 224
330 - Outside Agency Assistance . . . 226
331 - Registered Offender Information . . . 228
332 - Major Incident Notification . . . 231
333 - Death Investigation . . . 233
334 - Identity Theft . . . 238
335 - Private Persons Arrests . . . 239
336 - Limited English Proficiency Services . . . 241
337 - Anti-Reproductive Rights Crimes Reporting . . . 250
338 - Mandatory Employer Notification . . . 251
339 - Communications with Persons with Disabilities . . . 253
340 - Biological Samples . . . 261
341 - Chaplains . . . 264
342 - Public Safety Video Surveillance System . . . 269
343 - Child and Dependent Adult Safety . . . 273
344 - Volunteer Program . . . 277
345 - Department Use of Social Media . . . 282
346 - Native American Graves Protection and Repatriation . . . 285
347 - Gun Violence Restraining Orders . . . 287
348 - BolaWrap . . . 292
349 - Service Animals . . . 297
350 - Off-Duty Law Enforcement Actions . . . 300
351 - Patrol Rifles . . . 302
352 - Patrol Shotguns . . . 307
353 - Generative Artificial Intelligence Use . . . 309
354 - Illness and Injury Prevention . . . 313
355 - ADA Compliance . . . 318
356 - Community Relations . . . 326
357 - Vehicle Pursuits . . . 330

Chapter 4 - Patrol Operations . . . 341

400 - Patrol Function . . . 342
401 - Bias-Based Policing . . . 344
402 - Briefing Training . . . 348
403 - Crime and Disaster Scene Integrity . . . 349
404 - Sheriff's Emergency Response Team . . . 351
405 - Corrections Special Operations Response Team . . . 362
406 - Ride-Along Policy . . . 367
407 - Hazardous Material Response . . . 370
408 - Hostage and Barricade Incidents . . . 372
409 - Response to Bomb Calls . . . 377
410 - Crisis Intervention Incidents . . . 381
411 - Mental Illness Commitments . . . 386
412 - Cite and Release Policy . . . 391
413 - Arrest or Detention of Foreign Nationals . . . 394
414 - Rapid Response and Deployment . . . 398
415 - Immigration Violations . . . 401
416 - Reporting Police Activity Outside of Jurisdiction . . . 407

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417 - Emergency Utility Service . . . 408
418 - Aircraft Accidents . . . 409
419 - Field Training Officer Program . . . 412
420 - Obtaining Air Support . . . 415
421 - Contacts and Temporary Detentions . . . 416
422 - Criminal Organizations . . . 420
423 - Watch Commanders . . . 425
424 - Mobile Audio/Video . . . 426
425 - Mobile Data Computer Use . . . 432
426 - Medical Marijuana . . . 438
427 - Public Recording of Law Enforcement Activity . . . 443
428 - First Amendment Assemblies . . . 445
429 - Civil Disputes . . . 452
430 - Suspicious Activity Reporting . . . 454
431 - Medical Aid and Response . . . 456
432 - Automated License Plate Readers (ALPRs) . . . 462
433 - Body-Worn Cameras . . . 465
434 - Foot Pursuits . . . 473
435 - Homeless Persons . . . 477

Chapter 5 - Traffic Operations . . . 479

500 - Traffic Function and Responsibility . . . 480
501 - Traffic Collision Reporting . . . 483
502 - Vehicle Towing and Release . . . 485
503 - Vehicle Storage Responsibilities . . . 490
504 - Vehicle Impound Hearings . . . 492
505 - Impaired Driving . . . 494
506 - Traffic Citations . . . 500
507 - Disabled Vehicles . . . 503
508 - 72-Hour Parking Violations . . . 504
509 - Traffic Procedures . . . 506

Chapter 6 - Investigation Operations . . . 508

600 - Investigation and Prosecution . . . 509
601 - Sexual Assault Investigations . . . 516
602 - Asset Forfeiture . . . 522
603 - Informants . . . 529
604 - Eyewitness Identification . . . 541
605 - Brady Material Disclosure . . . 545
606 - Operations Planning and Deconfliction . . . 547
607 - Warrant Service . . . 552
608 - Unmanned Aerial System . . . 556
609 - Forensic Genetic Genealogy . . . 559
610 - Facial Recognition Technology Use . . . 563

Chapter 7 - Equipment . . . 568

700 - Department Owned and Personal Property . . . 569
701 - Personal Communication Devices . . . 572
702 - Vehicle Maintenance . . . 576
703 - Vehicle Monitoring Device (Teletrac) . . . 579
704 - Vehicle Use . . . 581
705 - Cash Handling, Security and Management . . . 587
706 - Personal Protective Equipment . . . 589
707 - Military Equipment . . . 594

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708 - Long Range Acoustic Device (LRAD) . . . 597

Chapter 8 - Support Services . . . 599
800 - Dispatch . . . 600
801 - Crime Analysis . . . 606
802 - SCIENTIFIC INVESTIGATIONS UNIT . . . 608
803 - Imperial County Chaplaincy Program . . . 618
804 - Records Division . . . 620
805 - Radio Procedures . . . 625
806 - Restoration of Firearm Serial Numbers . . . 635
807 - Property Procedures . . . 637
808 - Records Maintenance and Release . . . 654
809 - Protected Information . . . 665
810 - Crime Prevention Unit . . . 672
811 - Computers and Digital Evidence . . . 674
812 - Jeanne Clery Campus Safety Act . . . 678
813 - Animal Control . . . 684
814 - CJIS Access, Maintenance, and Security . . . 688

Chapter 9 - Custody . . . 694
900 - Custodial Searches . . . 695
901 - Prison Rape Elimination . . . 701
902 - Temporary Custody of Adults . . . 710
903 - Transporting Persons in Custody . . . 722

Chapter 10 - Personnel . . . 727
1000 - Recruitment and Selection . . . 728
1001 - Mentoring Program . . . 735
1002 - Evaluation of Employees . . . 737
1003 - Transfer Process . . . 741
1004 - Special Assignments and Promotions . . . 743
1005 - Active/Retired Peace Officer Nationwide Identification Card . . . 747
1006 - Grievance Procedure . . . 750
1007 - Personal Associations . . . 752
1008 - Reporting of Arrests, Convictions, and Court Orders . . . 754
1009 - Drug- and Alcohol-Free Workplace . . . 756
1010 - Annual Vacation Leave Policy . . . 760
1011 - Sick Leave . . . 762
1012 - Communicable Diseases . . . 764
1013 - Smoking and Tobacco Use . . . 770
1014 - Personnel Complaints . . . 771
1015 - Seat Belts . . . 782
1016 - Body Armor . . . 784
1017 - Personnel Records . . . 786
1018 - Request for Change of Assignment . . . 794
1019 - Standing Committees . . . 795
1020 - Commendations and Awards . . . 800
1021 - Service Awards . . . 802
1022 - Fitness for Duty . . . 805
1023 - Meal Periods and Breaks . . . 808
1024 - Lactation Breaks . . . 810
1025 - Payroll Records . . . 812
1026 - Overtime Compensation Requests . . . 813
1027 - Outside Employment . . . 815

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1028 - Occupational Disease and Work-Related Injury Reporting . . . 820
1029 - Personal Appearance Standards . . . 822
1030 - Uniforms and Civilian Attire . . . 825
1031 - Sheriff's Cadets . . . 842
1032 - Nepotism and Conflicting Relationships . . . 844
1033 - Department Badges . . . 847
1034 - Temporary Modified-Duty Assignments . . . 850
1035 - Speech, Expression, and Social Networking . . . 854
1036 - Illness and Injury Prevention . . . 858
1037 - Anti-Retaliation . . . 863
1038 - Line-of-Duty Deaths . . . 867
1039 - Wellness Program . . . 877
1040 - Facial Coverings . . . 882
1041 - Visible Display of Identification . . . 884

Attachments . . . 886
Supplemental Hate Crime Report-Agency.pdf . . . 887
Statutes and Legal Requirements.pdf . . . 888
Hate Crime Checklist.pdf . . . 889
Index . . . 890

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE IMPERIAL COUNTY SHERIFF'S OFFICE

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

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

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

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

100.2.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE IMPERIAL COUNTY SHERIFF'S OFFICE

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

a. When the deputy has probable cause to believe the person has committed a felony, whether or not committed in the presence of the deputy.
b. When the deputy has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the deputy.
c. When the deputy has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the deputy and the deputy reasonably believes there is an immediate danger to person or property, or of escape.

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d. When the deputy has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the deputy such as certain domestic violence offenses.
e. In compliance with an arrest warrant.

100.2.3 TIME OF MISDEMEANOR ARRESTS

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

1. The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
    a. A misdemeanor committed in the presence of the deputy.
    b. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
2. The arrest is made in a public place.
3. The arrest is made with the person in custody pursuant to another lawful arrest.
4. The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.3 POLICY

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

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department appointed after January 1, 1999, shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within two years of appointment (Penal Code § 832.4).

101.1.2 SHERIFF CANDIDATE REQUIREMENTS

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

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Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

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

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

102.4 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Imperial County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.2.2 STAFF

Staff shall consist of the following:

- Sheriff
- The Chief Deputy from each division

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

103.2.3 OTHER PERSONNEL

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

103.3 AUTHORITY

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

103.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

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

103.3.2 DISTRIBUTION OF MANUAL

The Policy Manual is available on the website policy.lexipol.com and a link is posted on the Imperial County Sheriff's Office website as well as the intranet.

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of Imperial.

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

Department/ICSO - The Imperial County Sheriff's Office.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

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

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May - Indicates a permissive, discretionary or conditional action.

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

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

Each Imperial County Sheriff's Office Supervisor will ensure that members under his/her command are aware of any Policy Manual revision and have acknowledged them in Lexipol.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Lieutenants or Civilian Supervisors, who will consider the recommendations and forward them to the command staff as appropriate.

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Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

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

104.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

200.2 DIVISIONS

The Sheriff is responsible for administering and managing the Imperial County Sheriff's Office. There are three divisi ons in the Sheriff's Office as follows:

- Support Staff
- Operations
- Corrections

200.2.1 ADMINISTRATION CHIEF DEPUTY

The Support Services Division is commanded by the Administration Chief Deputy, whose primary responsibility is to provide general management direction and control for the Support Services Division. The Support Services Division consists of Dispatch, Records, Civil, Information Technology and Administrative Services.

200.2.2 PATROL OPERATIONS CHIEF DEPUTY

The Patrol Operations is commanded by the Patrol Operations Chief Deputy, whose primary responsibility is to provide general management direction and control for the Patrol Operations. The Patrol Operations consists of Court Services and Uniformed Patrol Deputies in North County, South County, Salton City, Holtville, and Winterhaven.

200.2.3 SPECIALIZED UNIT CHIEF DEPUTY

The Operations Specialized Units are commanded by the Specialized Unit Chief Deputy, whose primary responsibility is to provide general management direction and control for the Specialized Units. The Specialized Units consists of the Investigations Unit, Special Investigations Unit, Coroner, Crime Prevention Unit, Scientific Investigations Unit, and the Off Highway Vehicle Enforcement Safety Team (OHVEST).

200.2.4 CORRECTIONS CAPTAIN

The Corrections Division is commanded by the Corrections Captain, whose primary responsibility is to provide general management direction and control over the Corrections Division. The Corrections Division consists of the Herbert Hughes Correctional Facility (HHCC), Regional Adult Detention Facility (RADF), and the Oren Fox Detention Facility (OFDF).

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

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The Sheriff exercises command over all personnel in the Department. During planned absences the Sheriff will designate a Sworn Executive Staff Member to serve as the acting Sheriff.

Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows:

a. Undersheriff
b. Senior Chief Deputy
c. Junior Chief Deputy
d. Duty Officer

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

200.4 POLICY

The Imperial County Sheriff's Office will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.5 ORGANIZATIONAL CHART

The Sheriff or the authorized designee is responsible for developing and maintaining an organizational chart which shall be accessible to all members. The organizational chart shall be reviewed and updated annually and whenever structural changes occur.

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Departmental Directive

201.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Sheriff to make immediate changes topolicy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 09-01 signifies the first Departmental Directive for the year 2009.

201.2 RESPONSIBILITIES

201.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

201.2.2 SHERIFF

The Sheriff shall issue all Departmental Directives.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee’s acknowledgement will be maintained by the Training Deputy.

201.4 UNITY OF COMMAND

Unity of Command is defined as: For every objective, ensure unity of effort under one responsible commander. This insures that our goals are clear, and our efforts coordinated. The Sheriff is the ultimate commander in all activities involving this office. The Sheriff cannot be everywhere, and has designated his staff to command in his absence. It is

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critical, for the success of our mission, that an event or tasks have only one commander. This commander may be the lowest ranking employee in this office. Generally, the ranking officer at the scene or performing the duty is the commander at that time. Any commander may seek advice from a higher-ranking source as needed. The ranking officer may pass command to someone else.

201.4.1 SPAN OF CONTROL

Each employee is expected to follow the orders or direction from someone of higher rank. Employees will follow their last order received. This office will allocate personnel, both supervisors and file, to insure that consistent and direct control is achieved. If an employee receives an order countermanding their last, that employee is obligated to inform the supervisor, giving that last order, of the conflicting directions.

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Emergency Management Plan

202.1 PURPOSE AND SCOPE

The County has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

202.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated on the order of the official designated by local ordinance.

202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Imperial County Sheriff's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

202.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in Administration. All supervisors should familiarize themselves with the Emergency Management Plan. The unit supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

202.4 UPDATING OF MANUALS

The Sheriff or designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

202.5 OPERATIONS CHIEF DEPUTY RESPONSIBILITIES

The Operations Chief Deputy, or the authorized designee, is responsible for:

a. Planning, developing, and maintaining the department's response to major disasters or other emergency events in accordance with the Emergency Management Plan.
b. Ensuring equipment designated for use during major disasters and other emergency events is inspected at least twice annually to ensure operational readiness.

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Training

203.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

203.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

203.3 OBJECTIVES

The objectives of the Training Program are to:

a. Enhance the level of law enforcement service to the public.
b. Increase the technical expertise and overall effectiveness of our personnel.
c. Provide for continued professional development of department personnel.
d. Ensure compliance with POST rules and regulations concerning law enforcement training.

203.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Manager. It is the responsibility of the Training Manager to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

Assignment specific training requirements

Assignment specific training desires

Leadership training

Training budget

203.4.1 POST-MANDATED TRAINING

Members of the Department shall complete all POST-mandated training, including (Penal Code § 13510; 11 CCR § 1005):

a. Entry-level training standards, prior to being assigned duties that include the exercise of peace officer power.
b. At least 24 hours of POST-certified and/or POST-approved training every two years.

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203.4.2 ACCREDITATION-MANDATED TRAINING

The following list includes but is not limited to training that is required by the California Accreditation for Public Safety Program standards. Training shall conform to POST requirements as appropriate and be provided to all deputies on an annual basis unless noted, including:

a. Review of any new, updated, or high-risk policies.
b. Search and seizure (see the Search and Seizure, Contacts and Temporary Detentions, and Custodial Searches policies.)
c. Body-worn cameras (see the Body-Worn Cameras Policy).
d. Domestic violence involving deputies.
e. Legal and legislative updates.
f. Tactical communication techniques.
g. Hazardous materials (see the Hazardous Material Response Policy).
h. CPR refresher (annual or as established by the certifying organization).
i. Mental health/crisis intervention (see the Crisis Intervention Incidents and Mental Illness Commitments policies).
j. Use of military equipment, if any, used by the Department (initial training and as determined by the Training Manager).

Other accreditation-mandated training requirements are included in the applicable policies.

203.4.3 CIVILIAN ORIENTATION

The Training Manager or the authorized designee shall provide all newly appointed civilian members with information and instruction regarding the following:

a. Departmeny mission, values, and organizational structure (see the Organizational Structure and Responsibility Policy)
b. Code of conduct and ethics (see Standards of Conduct Policy)
c. Confidentiality and records handling (including CJIS compliance, if applicable)
d. Workplace harassment and discrimination prevention (see the Discriminatory Harassment Policy)
e. Safety procedures and emergency protocols
f. Relevant department policies and procedures
g. Role-specific expectations and duties

203.4.4 LEADERSHIP DEVELOPMENT

The TrainingManager or the authorized designee shall establish a plan to train and develop personnel for future leadership responsibilities, including fair and appropriate professional development opportunities (e.g., mentorship, leadership training or academies, rotational or acting assignments, other opportunities designed to enhance supervisory and management knowledge, skills, and abilities).

203.5 TRAINING NEEDS ASSESSMENT

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The Training Department will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

203.6 TRAINING PROCEDURES

a. All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
    1. Court appearances
    2. First choice vacation
    3. Sick leave
    4. Physical limitations preventing the employee's participation.
    5. Emergency situations
b. When an employee is unable to attend mandatory training, that employee shall:
    1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
    2. Document his/her absence in a memorandum to his/her supervisor.
    3. Make arrangements through his/her supervisor and the Training Manager to attend the required training on an alternate date.

203.7 TRAINING MANAGER

The Sheriff shall designate a Training Manager who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Manager should review the training plan annually.

203.7.1 TRAINING RESTRICTION

The Training Manager is responsible for establishing a process to identify deputies who are restricted from training other deputies for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

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Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the email system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the Department's email system shall have no expectation of privacy concerning communications utilizing the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

204.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Sheriff or a Division Chief. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

204.4 EMAIL RECORD MANAGEMENT

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Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

204.5 MANDATORY USE OF E-MAIL

All Imperial County Sheriff's Office employees shall open their icso.org e-mail account and read all work related e-mails on a daily basis if employees are working.

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Administrative Communications

205.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

205.2 MEMORANDUMS

Memorandums may be issued periodically by the Sheriff to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Sheriff. Personnel should use Department letterhead only for official business and with approval of their supervisor.

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Sheriff or a Division Chief.

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License to Carry a Firearm

206.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a written process for the application, issuance, denial, appeal, and revocation of a license to carry a firearm (Penal Code § 26150; Penal Code § 26155).

206.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police agency from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police agency to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

206.2 POLICY

The Imperial County Sheriff's Office will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

206.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must:

a. Be deemed not to be a disqualified person as provided in Penal Code § 26202.
b. Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).
c. Be a resident of the County of Imperial or meet the non-residential jurisdictional requirements (Penal Code § 26150; Penal Code § 26155).
d. Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
e. Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
f. Submit fingerprints and a complete criminal background check (Penal Code § 26185).
g. Pay all associated application fees (Penal Code § 26190).
h. Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Imperial County Sheriff's O (Penal Code § 26162).
i. Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
j. Complete required training described in Penal Code § 26165.

206.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

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206.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

a. Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
    1. If an incomplete application package is received, the Sheriff or the authorized designee may do any of the following:
        1. Require the applicant to complete the package before any further processing.
        2. Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
        3. Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., disqualifying criminal conviction).
b. Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.
    1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
    2. Full payment of the remainder of the application fee will be required upon issuance of a license.
    3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
c. Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph).
d. The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Within 90 days of receiving the completed application for a new license, the Department shall give written notice to the applicant of the Department's initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person. This shall include a final determination on whether the applicant is an unlawful user of or addicted to any controlled substance described in 18 USC 922 (g)(3) (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165.

206.4.2 PHASE TWO

This phase is to be completed only by those applicants successfully completing phase one.

a. Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.
b. The Sheriff may, based upon criteria established by the Sheriff, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological

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testing shall be paid by the applicant but shall not exceed the reasonable costs to the Department. The Sheriff may allow non-resident applicants to complete the psychological assessment virtually or at an approved location in the applicant's state of residence (Penal Code § 26190).

c. The applicant shall complete a course of training approved by the Department, which complies with Penal Code § 26165.
d. The applicant shall submit any firearm to be considered for a license to the Rangemaster or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
e. The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied (Penal Code § 26170).

206.5 ISSUED FIREARMS PERMITS

In the event a license to carry a firearm is issued by the Sheriff, the following shall apply:

a. The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).
    1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
    2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
b. The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).
c. The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
    1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
    2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
d. If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

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e. The licensee shall notify this department in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Department shall notify the California DOJ (Penal Code § 26210).

206.5.1 LICENSE RESTRICTIONS

a. The Sheriff may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
    1. Consuming any alcoholic beverage while armed.
    2. Falsely representing him/herself as a peace officer.
    3. Unjustified or unreasonable displaying of a firearm.
    4. Committing any crime.
    5. Being under the influence of any medication or drug while armed.
    6. Interfering with any law enforcement officer's duties.
    7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
    8. Loading the permitted firearm with illegal ammunition.
b. The Sheriff reserves the right to inspect any license or licensed firearm at any time.
c. The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

206.5.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to (Penal Code § 26215):

a. Add or delete authority to carry a firearm listed on the license.
b. Change restrictions or conditions previously placed on the license.
c. Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Sheriff, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

206.5.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy shall be revoked by the Sheriff for any of the following reasons (Penal Code § 26195):

a. The licensee is prohibited by state or federal law from owning or purchasing a firearm.
b. The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
c. The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
d. Any information provided by a licensee in connection with an application for a new license or an application to amend a license was knowingly inaccurate or incomplete.

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e. If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).
f. The licensee fails to notify the issuing department of a restraining order, arrest, charge, or conviction of a crime in Penal Code § 26202.

The issuance of a license by the Sheriff shall not entitle the holder to either a property or liberty interest as the issuance, amendment, or revocation of such license remains exclusively within the discretion of the Sheriff as set forth herein.

If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

206.5.4 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Sheriff for a renewal by:

a. Verifying all information submitted in the original application under penalty of perjury.
b. Completing a training course pursuant to Penal Code § 26165.
c. Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
d. Paying the applicable renewal application fee.

Within 90 days of receiving the completed application for a renewal license, the Department shall give written notice to the applicant of the department's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165. The Department shall then submit the renewal notification to the California DOJ as provided in Penal Code § 26185.

Once the Sheriff or the authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied.

The Department shall not issue a renewal license unless confirmation has been received from the California DOJ that the applicant is eligible to possess, receive, own, or purchase a firearm (Penal Code § 26185).

206.6 DEPARTMENT REPORTING AND RECORDS

The Department shall maintain a record of the following and immediately provide copies of each to the California DOJ (Penal Code § 26225):

a. The denial of a license
b. The denial of an amendment to a license

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c. The issuance of a license
d. The amendment of a license
e. The revocation of a license

The Sheriff shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

206.7 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered a public record (Government Code § 7923.805).

206.8 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses and these applicants should be referred to the Sheriff's Office (Penal Code § 26150).

An individual who is not a resident of the county but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

a. The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of Imperial (Penal Code § 26150).
b. Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
c. The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
d. Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

206.9 APPEAL PROCESS

If you have been denied at any point during the application process, you may appeal the Sheriff's decision. There are two options available when requesting an appeal. They are as follows:

1. Submit a letter to the Sheriff.
    a. The appeal request must be in writing and the request should explain the reason(s) for appeal. Your request should provide further details, explanations and considerations for further review.
    b. Appeal requests must be received by the Imperial County Sheriff's Office within 30 days of the date of the denial letter.
    c. Appeal requests should be mailed to the CCW Coordinator at the following address:
        1. Imperial County Sheriff's Office
        2. Attn: CCW Coordinator

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3. 328 Applestill Road, El Centro, CA 92243

d. The Sheriff shall review the appeal and, within 30 days of receipt, provide you written notice indicating whether the request for further consideration is approved or denied.
e. If the denial is upheld, all applicants must wait one (1) year to reapply.
f. A second denial is final, and there is no additional appeal.

2. The applicant may request a hearing from the Superior Court of their county of residence to review the denial or revocation of a license.
    a. Pursuant to Penal Code section 26206(c), an applicant must request a hearing within 30 days of receipt of the notice of denial or revocation from the licensing authority, or when applicable, withing 30 days after the receipt of the notice of an unsuccessful appeal of the denial or revocation with the licensing authority.

206.10 WRITTEN NOTICE FOR DENIAL OF LICENSE

The Sheriff or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

206.10.1 ADDITIONAL REQUIREMENTS

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Sheriff or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they may request a hearing from a court. The Department shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Sheriff or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

206.10.2 ADDITIONAL REPORTING REQUIREMENTS

The Department shall submit the required prescribed information in Penal Code § 26202(f) to the National Instant Criminal Background Check System Index within 5 days upon determination that an applicant is a disqualified person due to being an unlawful user of, or addicted to, any controlled substance (Penal Code § 26202(f)).

206.11 POLICY AVAILABILITY

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License to Carry a Firearm

This policy shall be made accessible to the public as provided by Penal Code § 26160.

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Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Imperial County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and California law (18 USC § 926C; Penal Code § 25455).

207.2 POLICY

It is the policy of the Imperial County Sheriff's Office to provide identification cards to qualified former or retired deputies as provided in this policy.

207.3 LEOSA

The Sheriff may issue an identification card for LEOSA purposes to any qualified former deputy of this department who (18 USC § 926C(c)):

a. Separated from service in good standing from this department as a deputy.
b. Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
c. Has not been disqualified for reasons related to mental health.
d. Has not entered into an agreement with this department where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
e. Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former deputy and identify him/her as having been employed as a deputy.

If the Imperial County Sheriff's Office qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

207.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former deputy of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

1. In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

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1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

2. Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
3. Not prohibited by federal law from receiving a firearm.
4. Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

207.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

Any full-time sworn deputy of this department who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (Penal Code § 25455).

a. For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any deputy who retires in lieu of termination.
b. No CCW Approved endorsement shall be issued to any deputy retiring because of a psychological disability (Penal Code § 26305).

207.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired deputy shall be 2 inches by 3 inches, and minimally contain (Penal Code § 25460):

a. A photograph of the retiree.
b. The retiree's name and date of birth.
c. The date of retirement.
d. The name and address of this department.
e. A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

207.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Imperial County Sheriff's Office shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

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a. The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
b. This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.
c. The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

207.4.3 QUALIFIED RETIRED RESERVES

Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

207.5 FORMER DEPUTY RESPONSIBILITIES

A former Deputy with a card issued under this policy shall immediately notify the Watch Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

207.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former deputy shall:

a. Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
b. Remain subject to all applicable department policies and federal, state and local laws.
c. Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
d. Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired deputy shall (Penal Code § 26305):

a. Qualify annually with the authorized firearm at a course approved by this department at the retired deputy's expense.
b. Remain subject to all applicable department policies and federal, state, and local laws.
c. Not engage in conduct that compromises public safety.
d. Only be authorized to carry a concealed firearm inspected and approved by the Department.
e. Undergo a fingerprint-based state and national criminal history background check when required by the Department (Penal Code § 26330).

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207.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended, or revoked, the former deputy may request a review by the Sheriff. The decision of the Sheriff is final.

207.7 FIREARM QUALIFICATIONS

The Rangemaster may provide former deputies from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

207.8 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

A CCW endorsement for any deputy retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by aLieutenant when the conduct of a retired peace officer compromises public safety (Penal Code § 25470).

1. In the event that a CCW endorsement is initially denied, the retired deputy shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
2. Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
    1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
    2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
    3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
3. A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).
    a. The decision of such hearing board shall be binding on the Department and the retiree.
    b. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
4. Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify a Lieutenant as soon as practicable. ALieutenant should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

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a. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
b. The Lieutenant should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff.
c. The personal and written notification should be as follows:
    1. The retiree's CCW endorsement is immediately and temporarily suspended.
    2. The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
    3. The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
d. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Lieutenant should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Lieutenant may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person (Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the deputy at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

300.1.2 DEFINITION OF REPORTABLE FORCE

Reportable force is any force greater than a firm grasp or push that causes a person to fall. Reportable force is also the use of pain compliance or control holds.

300.2 POLICY

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

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

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any deputy present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable deputy under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.2 FAIR AND UNBIASED USE OF FORCE

Deputies are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

Any deputy who observes a law enforcement officer or an employee use force that potentially exceeds what the deputy reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.2.4 FAILURE TO INTERCEDE

A deputy who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the deputy who used force beyond that which is necessary (Government Code § 7286(b)).

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Deputies may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

a. The apparent immediacy and severity of the threat to deputies or others (Penal Code § 835a).
b. The conduct of the individual being confronted, as reasonably perceived by the deputy at the time (Penal Code § 835a).
c. Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
d. The conduct of the involved deputy leading up to the use of force (Penal Code § 835a).
e. The effects of suspected drugs or alcohol.
f. The individual's apparent mental state or capacity (Penal Code § 835a).
g. The individual's apparent ability to understand and comply with deputy commands (Penal Code § 835a).
h. Proximity of weapons or dangerous improvised devices.
i. The degree to which the subject has been effectively restrained and their ability to resist despite being restrained.
j. The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

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k. Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
l. Training and experience of the deputy.
m. Potential for injury to deputies, suspects, bystanders, and others.
n. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
o. The risk and reasonably foreseeable consequences of escape.
p. The apparent need for immediate control of the subject or a prompt resolution of the situation.
q. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
    1. Force shall be de-escalated once compliance or control is achieved (see the **ALTERNATIVE TACTICS - DE-ESCALATION** section above).
r. Prior contacts with the subject or awareness of any propensity for violence.
s. Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed department-approved training. Deputies utilizing any pain compliance technique should consider:

a. The degree to which the application of the technique may be controlled given the level of resistance.
b. Whether the person can comply with the direction or orders of the deputy.
c. Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

300.3.4 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Deputies of this department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person’s neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

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As time and circumstances reasonably permit, and when community and officer safety would not be compromised, deputies should consider actions that may increase deputy safety and may decrease the need for using force:

a. Summoning additional resources that are able to respond in a reasonably timely manner
b. Formulating a plan with responding deputies before entering an unstable situation that does not reasonably appear to require immediate intervention
c. Employing other tactics that do not unreasonably increase deputy jeopardy

In addition, when reasonable and feasible, deputies shall evaluate the totality of circumstances presented at the time in each situation and, when reasonable and feasible, shall determine and utilize reasonably available de-escalation techniques, crisis intervention tactics, and other alternatives, if any, that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)).

300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Deputies of this departmen are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe (Government Code § 7286.5).

300.3.8 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence or pre-existing medical conditions. While it is impractical to restrict a deputy's use of reasonable control methods when attempting to restrain a combative individual, deputies are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, deputies should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

300.3.9 WARNINGS BEFORE USE OF FORCE

Verbal warnings should precede the use of force when practical and tactically feasible.

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the deputy shall, prior to the use of deadly force, make reasonable efforts to identify themself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts (Penal Code § 835a).

If an objectively reasonable deputy would consider it safe and feasible to do so under the totality of the circumstances, deputies shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, deputies should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

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The use of deadly force is only justified when the deputy reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

a. A deputy may use deadly force to protect themself or others from what the deputy reasonably believes is an imminent threat of death or serious bodily injury to the deputy or another person.
b. A deputy may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Deputies shall not use deadly force against a person based on the danger that person poses to themself, if an objectively reasonable deputy would believe the person does not pose an imminent threat of death or serious bodily injury to the deputy or to another person (Penal Code § 835a).

Additionally, a deputy shall not use deadly force against a person whose actions are a threat solely to property unless the person poses an imminent danger of death or serious physical injury to the deputy or others in close proximity.

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the deputy or another person. A deputy's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force. When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others (Government Code § 7286(b)).

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

300.4.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, deputies should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

a. If the deputy does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
b. If the deputy reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the deputy no longer perceives such threat.

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Once it is reasonably safe to do so, deputies should carefully secure all firearms.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATION TO SUPERVISORS

Any use of force by a deputy shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

a. The application caused a visible injury.
b. The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
c. The individual subjected to the force complained of injury or continuing pain.
d. The individual indicates intent to pursue litigation.
e. Any application of a conducted energy device or control device.
f. Any application of a restraint device other than handcuffs, shackles, or belly chains.
g. The individual subjected to the force was rendered unconscious.
h. An individual was struck or kicked.
i. An individual alleges unreasonable force was used or that any of the above has occurred.

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.5.3 REPORT RESTRICTIONS

Deputies shall not use the term "excited delirium" to describe an individual in an incident report. Deputies may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, properly trained deputies should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

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Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed.

Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

a. Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
b. Ensure that any injured parties are examined and treated.
c. When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
    1. The content of the interview should not be summarized or included in any related criminal charges.
    2. The fact that a recorded interview was conducted should be documented in a property or other report.
    3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
d. Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall

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photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

e. Identify any witnesses not already included in related reports.
f. Review and approve all related reports.
g. Determine if there is any indication that the subject may pursue civil litigation.
    1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
h. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 LIEUTENANT RESPONSIBILITY

The Lieutenant shall review each use of force by any personnel within his/her command to ensure compliance with this policy.

300.8 TRAINING

Deputies, investigators, and supervisors will receive annual training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

a. Legal updates.
b. De-escalation tactics, including alternatives to force.
c. The duty to intercede.
d. The duty to request and/or render medical aid.
e. Warning shots (see the Firearms Policy).
f. All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

See the Training Policy for restrictions relating to deputies who are the subject of a sustained use of force complaint.

300.8.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

Additionally, training should include training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

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300.9 USE OF FORCE ANALYSIS

At least annually, the Operations Chief Deputy should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects, or case numbers, and should include:

a. Frequency of force use.
b. Type(s) of force applied.
c. Time, location, and circumstances of incidents.
d. Policy compliance review.
e. The identification of any trends in the use of force by members.
f. Training needs recommendations.
g. Equipment needs recommendations.
h. Policy revision recommendations.

300.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.11 POLICY REVIEW

The Sheriff or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.12 POLICY AVAILABILITY

The Sheriff or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286 (c)).

300.13 PUBLIC RECORDS REQUESTS

Requests for public records involving a deputy’s personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Imperial County Sheriff's Office to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The Imperial County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Sheriff may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Sheriff may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administrative and Support Services Division Chief will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Chief or supervisor of the involved employee to notify the Administrative and Support Services Division Chief of any incidents requiring board review. The involved employee's Division Chief or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Administrative and Support Services Division Chief should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command

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- Training Deputy
- Non-administrative supervisor
- A peer deputy
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303). Other members may provide questions to these members.

The review shall be based upon those facts which were reasonably believed or known by the deputy at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the deputy at the time shall neither justify nor call into question a deputy's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

a. The employee's actions were within department policy and procedure.
b. The employee's actions were in violation of department policy and procedure.

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A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Sheriff.

The Sheriff shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Sheriff's final findings will be forwarded to the involved employee's Division Chief for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Sheriff.

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Imperial County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Imperial County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized determination that such restraints

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are necessary for the safety of the detainee, deputies, or others (Penal Code § 3407; Penal Code § 6030). See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

302.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy, or damage property.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Deputies should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Deputies should avoid co-mingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the

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spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg restraints, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, deputies should consider:

a. Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a person.
b. Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting deputy while handcuffed, kicking at objects or deputies).
c. Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

a. If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
b. Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
c. Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.
d. The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on their stomach.
e. The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

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302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Deputies should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

a. The factors that led to the decision to use restraints.
b. Supervisor notification and approval of restraint use.
c. The types of restraint used.
d. The amount of time the person was restrained.
e. How the person was transported and the position of the person during transport.
f. Observations of the person's behavior and any signs of physiological problems.
g. Any known or suspected drug use or other medical problems.

302.9 TRAINING

The Training Manager should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

a. Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
b. Response to complaints of pain by restrained persons.
c. Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.
d. Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.
e. Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

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Pepperball Launcher

303.1 PURPOSE AND SCOPE

The Jaycor SA200 PepperBall Launcher is designed as a less than lethal weapon for use in a wide variety of tactical situations. The purpose of this weapon in the Patrol/Custody environment is to facilitate a safe and effective response to situations, which may jeopardize the life and safety of Imperial CountySheriff's Office personnel, civilian bystanders and persons being apprehended and the security of the Detention facility. There are two tactical applications for this weapon. First, It may be used as an area treatment device to deploy chemical agents. Second, it may be used as a direct fire weapon against an individual.

303.2 PROCEDURE

303.2.1 AUTHORIZATION

Authorization for the deployment/use of the PepperBall launcher can only be given by a supervisor of a rank not lower than Sergeant or by Senior Deputy or Corporal acting in the capacity of Shift OIC. In no instance will authorization be given for the use of this weapon by other than authorized personnel.

Sheriff's personnel encountering a situation, which requires the use of the PepperBall system, shall immediately notify the Field Supervisor/Watch Commander. This system can be used before the arrival of the Field Supervisor when the situation dictates such use. This system will not be used in a Detention Facility unless the Watch Commander is on scene.

The Field Supervisor/Watch Commander shall respond to ALL PepperBall deployments where the suspect has been hit. The Field Supervisor/Watch Commander shall make all notifications and reports as required by the Use of Force Policy. The use of the PepperBall system is considered a reportable use of force.

303.2.2 OPERATORS

Only qualified trained personnel shall be allowed to deploy and use the PepperBall system. Personnel trained to operate the PepperBall system shall only be trained by a certified PepperBall instructor. Certification training shall follow recommendations of Jaycor tactical systems.

A copy of each operator's certification shall be kept in that employee's training file.

In accordance with Jaycor tactical systems deputies utilizing the PepperBall launcher will never intentionally target the eyes, face, throat or spine of the person being fired upon.

The Imperial CountySheriffs Office authorizes sworn members who are trained and certified in the use of the PepperBall Launcher to use this weapon in the following situations:

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a. When a suspect exhibits violent or potentially violent behavior that threatens the safety of others and attempts to subdue the suspect by conventional means of persuasion, escort control, self-defense techniques and/or pain compliance measures have not been or reasonably appear unlikely to be effective.

b. When it is unsafe for a member to approach a suspect within contact range.

c. To defend one's self or another from an aggressive and/or attacking animal.

d. To disperse unruly or rioting crowds threatening unlawful property damage or physical force or violating any applicable Local, State, or Federal code when conventional means of persuasion are ineffective.

e. Inside the Imperial CountySheriffs Office detention facility if an inmate refuses to comply with a lawful order after ample verbal warning and the inmate takes an aggressive posture(i.c. clenched fists, fighting stance etc.) or makes aggressive movements towards deputies or correctional officers.

303.2.3 MEDICAL CLEARANCE

PepperBall projectiles subdue suspects by strongly irritating their nose, lungs, and eyes. Breathing capability can be affected. When inhaled, PepperBall products lead to coughing, shortness of breath, and in some instances vomiting. Some individuals experience eye irritation as well.

Pepperball Launcher operators shall, after striking a suspect with oleoresin capsicum, Pepperball, adhere to the following at the earliest possible time:

a. Decontaminate the suspect using clear, cool water/fresh air

b. Medically clear the suspect through the emergency room of a hospital prior to booking the suspect into the ICSO jail.

c. Request an Emergency Medical Services unit (i.e. ambulance, county fire, etc.) should the suspect's physical condition appear to warrant such services.

d. In the Detention facility the inmate will be seen by medical staff

303.3 MAINTENANCE/STORAGE OF PEPPERBALL LAUNCHERS

a. Cleaning of the PepperBall Launcher will follow the guidelines of Jaycor Tactical Systems.

    1. Before doing any cleaning or maintenance of the launcher, the High Pressure Air or C02 bottle must be removed from the SA200.

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2. To clean the exterior of the SA200, a towel dampened with water is to be used to wipe off oil or debris. CLEANING SOLVENTS ARE NOT TO BE USED.

3. Premium gun oil is to be used to keep the launcher in good working condition.

4. Oil will be periodically applied to the exposed 0-ring of the air bottle and to the internal 0-ring of the bolt to keep the launcher operating efficiently.

5. To lubricate the launcher a few drops of lubricating oil will be placed on the front bolt, rear bolt 0-ring, linkage arm and bottle 0-ring.

b. Storage of the SA200 launcher and air supply tank.

1. All SA200 launchers will be secured in a location designated by each unit assigned a launcher.

2. Air tanks will be stored according to OSHA standards, the tank must be secured to a stationary wall in such a way as to prevent it from falling over.

3. Air tanks will be Visually Inspected annually, each tank will have a label attached to it that determines the inspection schedule for the tank.

4. Each air tank will be hydrostatically tested every five years.

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Control Devices and Techniques

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

304.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Imperial County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

304.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

304.4 RESPONSIBILITIES

304.4.1 WATCHCOMMANDER RESPONSIBILITIES

The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

304.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

304.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

304.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

304.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

304.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

304.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

304.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

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Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

304.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

304.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner’s expense. Information regarding the method of notice and the individuals notified should be included in related reports.

304.9 EXTENDED RANGE KINETIC ENERGY IMPACT MUNITIONS

This department is committed to reducing the potential for violent confrontations. Kinetic energy munitions, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

304.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

a. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
b. The suspect has made credible threats to harm him/herself or others.
c. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.

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d. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
e. Animal control
f. Tactical Operations

304.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging kinetic energy munitions, the deputy should consider such factors as:

a. Distance and angle to target.
b. Type of munitions employed.
c. Type and thickness of subject's clothing.
d. The subject's proximity to others.
e. The location of the subject.
f. Whether the subject's actions dictate the need for an immediate response and the use of kinetic energy munitions.

A verbal warning of the intended use of the munitions should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the munition is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

304.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy munitions will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the shotgun and munitions at the beginning of each shift to ensure that the shotgun is in proper working order and the munitions are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy munition shotgun, the deputy shall visually inspect the kinetic energy munition to ensure that lethal ammunition is not being loaded into the shotgun.

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Absent compelling circumstances, deputies who must deploy a kinetic energy munition shotgun, will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the loading process to ensure that the kinetic energy shotgun is being loaded with the proper and approved kinetic energy munition..

304.10 TRAINING FOR CONTROL DEVICES

The Training Deputy shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

a. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

b. All training and proficiency for control devices will be documented in the deputy's training file.

c. Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

304.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

304.12 EVIDENCE COLLECTION

After all deployments with a kinetic energy munitions shotgun, photographs will be taken of the subject regardless of injuries seen or unseen at the time of deployment, to identify where the munitions impacted the subject. All expended cartridges and beanbags will be photographed at the scene and collected as evidence.

304.13 MEDICAL TREATMENT

In all instances where a subject is struck by any kinetic energy munitions, it is highly recommended that the subject be taken to a medical facility for examination as soon as practical. The only exception is cases where a subject who flees before he or she can be apprehended.

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Conducted Energy Device

305.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

305.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to deputies and suspects.

305.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed [department/office]-approved training may be issued and may carry the CED.

The Rangemaster should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the [department/office] inventory.

Deputies shall only use the CED and cartridges/magazines that have been issued by the [Department/Office]. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed deputies who have been issued the CED shall wear the device in an approved holster.

Deputies who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon (Penal Code § 13660).

a. All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
b. For single-shot devices, whenever practicable, deputies should carry an additional cartridge on their person when carrying the CED.
c. Deputies should not hold a firearm and the CED at the same time.

Non-uniformed deputies may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

305.3.1 USER RESPONSIBILITIES

Deputies shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the deputy's shift.

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CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Deputies shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

305.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

a. Provide the individual with a reasonable opportunity to voluntarily comply.
b. Provide other deputies and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the CED in the related report.

305.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, a deputy designated as lethal cover for any deputy deploying a CED may be considered for officer safety.

305.5.1 APPLICATION OF THE CED

The CED may be used, when the circumstances reasonably perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person who:

a. Is violent or is physically resisting.
b. Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, themself, or others.

Mere flight from a pursuing deputy, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

305.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

a. Individuals who are known to be pregnant.
b. Elderly individuals or obvious juveniles.
c. Individuals with obviously low body mass.
d. Individuals who are handcuffed or otherwise restrained.
e. Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
f. Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

305.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, deputies should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

305.5.4 MULTIPLE APPLICATIONS OF THE CED

Once a deputy has successfully deployed two probes on the subject, the deputy should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors deputies may consider include but are not limited to:

a. Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
b. Whether the probes are making proper contact.
c. Whether the individual has the ability and has been given a reasonable opportunity to comply.
d. Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the deputy must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

305.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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Deputies should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, deputies shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

305.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

305.5.7 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry [department/office] CEDs while off-duty.

Deputies shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

305.6 DOCUMENTATION

Deputies shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a [department/office]-approved process to preserve the data.

305.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

a. The brand, model, and serial number of the CED and any cartridge/magazine.
b. Date, time, and location of the incident.
c. Whether any warning, display, laser, or arc deterred a subject and gained compliance.
d. The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
e. The range at which the CED was used.
f. The type of mode used (e.g., probe deployment, drive-stun).
g. Location of any probe impact.
h. Location of contact in drive-stun mode.
i. Description of where missed probes went.
j. Whether medical care was provided to the subject.
k. Whether the subject sustained any injuries.
l. Whether any deputies sustained any injuries.

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The Training Deputy should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Deputy should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

305.6.2 REPORTS

The deputy should include the following in the arrest/crime report:

a. Identification of all personnel firing CEDs
b. Identification of all witnesses
c. Medical care provided to the subject
d. Observations of the subject's physical and physiological actions
e. Any known or suspected drug use, intoxication, or other medical problems

305.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or deputies trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes or who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

a. The person is suspected of being under the influence of controlled substances and/or alcohol.
b. The person may be pregnant.
c. The person reasonably appears to be in need of medical attention.
d. The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
e. The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

305.8 SUPERVISOR RESPONSIBILITIES

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When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

305.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial [department/office]-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of a deputy's knowledge and/or practical skills may be required at any time, if deemed appropriate by the Training Deputy. All training and proficiency for CEDs will be documented in the deputy's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Deputies who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Training Deputy is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Deputy should include the following training:

a. A review of this policy.
b. A review of the Use of Force Policy.
c. Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
d. Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
e. Scenario-based training, including virtual reality training when available.
f. Handcuffing a subject during the application of the CED and transitioning to other force options.
g. De-escalation techniques.
h. Restraint techniques that do not impair respiration following the application of the CED.
i. Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
j. Proper tactics and techniques related to multiple applications of CEDs.

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Officer-Involved Shootings and Deaths

306.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of a deputy.

In other incidents not covered by this policy, the Sheriff may decide that the investigation will follow the process provided in this policy.

306.1.1 LEGAL STANDARD

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

306.2 POLICY

The policy of the Imperial County Sheriff's Office is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

306.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved deputies.
- A civil investigation to determine potential liability.

306.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

306.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Imperial County Sheriff's Office would control the investigation if the suspect's crime occurred in the county.

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If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Sheriff and with concurrence from the other agency.

306.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved deputy's conduct during the incident will be determined by the employing agency's protocol. When a deputy from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Sheriff or the authorized designee for approval.

306.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

306.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

306.5.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved ICSO deputy will be the deputy-in-charge and will assume the responsibilities of a supervisor until properly relieved. This deputy should, as appropriate:

a. Secure the scene and identify and eliminate hazards for all those involved.
b. Take reasonable steps to obtain emergency medical attention for injured individuals.
c. Request additional resources from the Department or other agencies.
d. Coordinate a perimeter or pursuit of suspects.
e. Check for injured persons and evacuate as needed.
f. Brief the supervisor upon arrival.

306.5.2 SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Sheriff, Undersheriff. Chief Deputy or a Lieutenant.

All outside inquiries about the incident shall be directed to the Lieutenant.

306.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practicable:

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- Sheriff
- Investigations Chief Deputy
- OIS team
- Outside agency investigator (if appropriate)
- Administrative Investigations Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Press Information Officer

306.5.4 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved ICSO supervisor should ensure completion of the duties as outlined above, plus:

1. Attempt to obtain a brief overview of the situation from any uninvolved officers.
    1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
2. If necessary, the supervisor may administratively order any ICSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
    1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
    2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
3. Provide all available information to the Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.
4. Take command of and secure the incident scene with additional ICSO members until properly relieved by another supervisor or other assigned personnel or investigator.
5. As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
    a. Each involved ICSO deputy should be given an administrative order not to discuss the incident with other involved officers or ICSO members pending further direction from a supervisor.
    b. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e. g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

306.5.5 INVOLVED OFFICERS

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The following shall be considered for the involved officer:

1. Any request for legal or union representation will be accommodated.
    a. Involved ICSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
    b. Requests from involved non-ICSO officers should be referred to their employing agency.
2. Discussions with licensed attorneys will be considered privileged as attorney-client communications.
3. Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
4. A licensed psychotherapist shall be provided by the Department to each involved ICSO deputy. A licensed psychotherapist may also be provided to any other affected ICSO members, upon request.
    1. Interviews with a licensed psychotherapist will be considered privileged.
    2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
    3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
5. Communications between the involved deputy and a peer support member are addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved ICSO deputy shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Sergeant to make schedule adjustments to accommodate such leave.

306.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Investigations Sergeant should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

306.6 CRIMINAL INVESTIGATION

The Imperial County Sheriff's Office Investigations Unit is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. It shall be the policy of this department to utilize the District Attorney's Office to conduct an independent review into the circumstances of any officer-involved shooting or death.

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If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

a. ICSO supervisors and Administrative Investigations Unit personnel should not participate directly in any voluntary interview of ICSO deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
b. If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved deputies shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
c. If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
d. Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

306.6.1 REPORTS BY INVOLVED ICSO DEPUTIES

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved ICSO deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

While the involved ICSO deputy may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved ICSO deputy of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

306.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

a. Identification of all persons present at the scene and in the immediate area.
    1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
    2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
b. Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
    1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
c. Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

306.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigations Unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to theUndersheriff.

306.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of ICSO deputies to determine conformance with department policy. The investigation will be conducted under the supervision of the Administrative Investigations Unit and will be considered a confidential deputy personnel file.

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

a. Any deputy involved in a shooting or death may be requested to provide a blood sample for alcohol/drug screening. Compelled blood draws shall not be ordered of the involved deputy.

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b. If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
    1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
c. In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
    1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
    2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
    3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview (Government Code § 3303(g)).
    4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
    5. The Administrative Investigations Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
    6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
    7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

306.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

306.9 DEBRIEFING

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Following an officer-involved shooting or death, the Imperial County Sheriff's Office should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

306.9.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

306.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Lieutenants, Chief Deputies, and Press Information Officer in the event of inquiries from the media.

The Department shall not subject any involved ICSO deputy to visits by the media (Government Code § 3303(e)). No involved ICSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff or a Chief Deputy. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

306.11 REPORTING

If the death of an individual occurs in the Imperial County Sheriff's Office jurisdiction and qualifies to be reported to the state as a justifiable homicide, the Administrative Chief Deputy will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022).

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Firearms

307.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

307.2 POLICY

The Imperial County Sheriff's Office will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The department will ensure firearms are appropriate and in good working order and relevant training is provided as resources allow.

307.3 CORRECTIONAL OFFICER RESTRICTIONS

Correctional officers are limited peace officers, pursuant to section 830.1(c) of the California Penal Code.

307.3.1 CARRYING OF FIREARMS WHILE ON-DUTY

While on-duty, correctional officers shall not carry or possess firearms except as permitted by law, required by assignment, and authorized by their supervisor. This authority is limited to those correctional officers who have satisfactorily completed the training course specified in Penal Code section 832 and the Adult Correctional CORE Course prescribed by the Board of State and Community Corrections (BSCC) pursuant to Penal Code section 6030. All correctional officers are required to complete bi-annual Continuing Professional Training (CPT) for firearms. This training must be conducted in person and at the range to ensure hands-on proficiency and safety compliance. All correctional officers are required to qualify annually with department issued firearms and, if applicable, with any personally owned off-duty firearms.

307.3.2 CARRYING OF CONCEALED FIREARMS WHILE OFF-DUTY

Correctional officers, who have met all qualifications per policy, may carry a concealable firearm while off-duty without seeking a concealed firearm permit. Pursuant to Penal Code section 25450(a), peace officers, including limited peace officers, such as correctional officers, are exempt from the concealed firearm permit requirement. The application of this exemption to correctional officers was confirmed by the California Court of Appeals for the Fifth District in 2016, in the case of Stanislaus County Deputy Sheriff's Association v. County Of Stanislaus (2 Cal. App. 5th 368). Individuals carrying a firearm off-duty must be in possession of a department identification card with the proper authorization to carry a concealed weapon. It is not the department's responsibility to provide weapons for off-duty carry. Any weapon intended for off-duty use must be inspected by the Rangemaster during annual qualifications.

307.3.3 NO PEACE OFFICER AUTHORITY WHILE OFF-DUTY

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Correctional officers have no peace officer authority while off-duty and may not stop, detain, or arrest any person (outside of a citizen's arrest). All other regulations that pertain to firearms shall apply to correctional officers.

307.4 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Chief. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

307.4.1 HANDGUNS

The authorized department issued handguns are the Sig Sauer P320 with Romeo 1 Pro optics, 9mm, full size, with Nightstick TWM-30 weapon light and the Sig Sauer P229, 40 caliber. The following additional handgun manufacturers and mandatory guidelines are approved for on-duty use:

Manufacturers:

Beretta	Colt	Heckler & Koch	Kimber
Ruger	Sig Sauer	Smith & Wesson	Springfield
Walther and Wilson Combat		Glock	

Caliber: 9mm,.40 S&W and the.45 ACP are the only authorized calibers for on-duty use.

Finish:

Factory Blue/Black, Stainless Steel (Polish finish is not authorized), Tan or Olive Drab Green matte finish. No custom engraving with logos, names or other insignia are authorized unless approved by the Sheriff.

Action:

Double action / Single action (DA/SA) - Can be fired from the cocked or hammer down position.

Double action only (DAO) - Can only be fired from the hammer down position.

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Trigger pull:

Factory specifications only. No modifications are allowed or authorized.

Barrel Length:

Minimum of 3.9 inch barrel length and a maximum of 5.5 inch barrel length. Compensated or ported barrels are not authorized by the Imperial County Sheriff's Office.

Magazine(s):

An 8 round magazine is the minimum capacity allowed while working on-duty. The maximum magazine capacity is 17 rounds. Magazine extenders are only allowed for 1911 style handguns (total round capacity: 10). Members must have a minimum of three fully loaded magazines on their person while on uniformed duty. The three magazines minimum does not apply to personnel working in a plain clothes assignment or at an administrative capacity.

307.4.2 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

a. The firearm shall be in good working order and on the department list of approved firearms.
b. The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
c. Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
d. Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
e. Members choosing and authorized to carry their own personally owned firearm must turn in their department issued firearm unless authorized by the Sheriff to retain the department weapon.
f. Members must purchase and maintain all duty equipment required to utilize their personally owned weapon, to include; holster, magazines and magazine pouches.

307.4.3 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

a. The handgun shall be in good working order and on the department's list of approved firearms.
b. Only one secondary handgun may be carried at a time.
c. The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the department.

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d. The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
e. The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
f. Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Sheriff or the authorized designee shall approve the ammunition.
g. Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department's qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
h. Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

307.4.4 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

1. The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his /her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
    1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
2. The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.
3. It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
4. Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
5. The member will successfully qualify with the firearm prior to it being carried.
6. Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
7. If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
8. Members shall only carry department-authorized ammunition.
9. When armed, deputies shall carry their badges and Imperial County Sheriff's Office identification cards under circumstances requiring possession of such identification.

307.4.5 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

307.5 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

307.5.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Imperial County Sheriff's Office or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

307.5.2 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

307.5.3 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

307.5.4 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

307.6 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

a. Members shall not unnecessarily display or handle any firearm.

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b. Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
c. Members shall not clean, repair, load or unload a firearm anywhere in the department, except where clearing barrels are present.
d. Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
e. Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
f. Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
g. Any firearm authorized by the department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Rangemaster for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

307.6.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Firearms may be safely stored in lockers or another approved location at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

307.6.2 ADDITIONAL GUIDELINES FOR STORAGE

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their custody or control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 17060; Penal Code § 25100; Penal Code § 25105; Penal Code § 25145).

307.6.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member’s senses or judgment.

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307.6.4 ADDITIONAL GUIDELINES FOR STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Deputies are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

307.7 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training biannually with their duty firearms. In addition to biannual training, all members will qualify at least annually with their duty firearms. All members will qualify annually with the Sig P320 with Romeo 1 Pro optics regardless if they carry the issued firearm or a personally owned firearm.Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

307.7.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

1. Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
2. Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
3. No range credit will be given for the following:
    1. Unauthorized range make-up
    2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

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307.8 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

a. If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
b. If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

307.8.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

307.8.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

307.8.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots should not be used.

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307.9 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to department members during hours established by the department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his /her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

307.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to deputies who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

a. Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the department based on the law and published TSA rules.
b. Deputies must carry their Imperial County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the department and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
c. The department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the department an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.

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d. An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
e. Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the department-appointed instructor.
f. It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
g. Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
h. Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
i. Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
j. Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

307.11 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time deputies of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

a. The deputy shall carry his/her Imperial County Sheriff's Office identification card whenever carrying such firearm.
b. The deputy is not the subject of any current disciplinary action.
c. The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
d. The deputy will remain subject to this and all other department policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

307.11.1 ACTIVE DUTY DEPUTY OUT-OF-STATE IDENTIFICATION CARD FORMAT

The identification card issued to all qualified Imperial County Deputy Sheriff's shall contain the following:

On the face of the identification card;

- Photograph of the Deputy Sheriff
- Employee Identification number
- Sheriff's Office address and telephone number

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On back of the identification card;

- Date of Birth
- Blood Type
- Height
- Weight
- Hair Color
- Eye Color

(NOTATION) This Imperial County Sheriff's Office Peace Officer has California statutory powers of arrest and is authorized to and meets the requirements to carry a concealed loaded firearm Nationally according to 18 USC 926B

(NOTATION) Bearer is classified as a Disaster Service Worker

- Deputy's Signature
- Date of expiration (Term of the Sheriff)

307.11.2 RETIREE'S OUT-OF-STATE IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired deputy shall contain the following:

On the face of the retiree's identification card;

- Photograph of the retiree
- Retiree's address (street, City, State, Zip)
- Date of retirement
- Retiree's name and title at retirement
- Sheriff's Office address and telephone number

On back of the Retiree's identification card;

- Date of Birth
- Blood Type
- Height
- Weight
- Hair Color
- Eye Color

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(NOTATION) This Imperial County Sheriff's Office retired Peace Officer, has met the Sheriff's Office firearms qualifications within the past 12 months, is authorized to and has met the requirements to carry a concealed loaded firearm Nationally according to 18 USC 926C

- Deputy's Signature
- Sheriff's Signature
- Date of expiration, (No longer than one year after the date of the Retiree's firearm qualification)

307.11.3 PROCESS FOR RETIREE'S REQUESTING OUT-OF-STATE AUTHORIZATION

In order for a Retiree to obtain autorization to carry a firearm out-of-state concealed and loaded the following process must be completed.

a. The Retiree must contact the Sheriff's Office Aaministrative Lieutenant and request the Retiree Concealed Weapon Checklist.
b. The Check List must be completed entirely (except for the required signature blanks which must be left blank).
c. The Retiree must then qualify with the Sheriff's Office Rangemaster in the handling and use of their firearm, and obtain the signature of the Rangemaster certifying the qualification.
d. The Check List will then be returned to the Sheriff's Office Administrative Lieutenant who will verify the Retiree's qualifications to be issued the out-of state authorization.
    1. Including verification that the Retiree has not been prohibited from possessing a firearm by a court order.
e. Upon confirmation of the Retiree's qualifications for an out-of county endorsement, the Retiree will meet with the Administrative Lieutenant an sign all required areas on the Check List.

The completed Check List will then be forwarded to the Sheriff, or his designee, for approval or disapproval.

If the out-of state endorsement is not approved the Sheriff or his designee will notify the Retiree of the disaproval and the basis for the disaproval.

If the out-of-state endorsement is approved the Sheriff, or his designee, will sign the Check List authorizing the endorsement.

1. The Check List will then be forwarded to the Sheriff's Office Administrative Office Techniction who will notify the Retiree to come in to the Sheriff's Administrative Office and be issued the out-of-state endorsed identification card.
2. The Check List will then be placed in the Retiree's Personnel file that is retained at the Sheriff's Office for later reference.

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Deputy Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides deputies with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

308.2 RESPONSE TO CALLS

Deputies dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Deputies responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Responding with emergency light(s) and siren does not relieve the deputy of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

Deputies should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Deputies not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting deputy shall immediately notify Dispatch.

If circumstances permit, the requesting deputy should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

308.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Sergeant or the field supervisor authorizes an additional unit(s).

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308.4 INITIATING CODE 3 RESPONSE

If a deputy believes a Code-3 response to any call is appropriate, the deputy shall immediately notify Dispatch. Generally, only one unit should respond Code-3 to any situation. Should another deputy believe a Code-3 response is appropriate, Dispatch shall be notified and the Sergeant or field supervisor will make a determination as to whether one or more deputies driving Code-3 is appropriate.

308.5 RESPONSIBILITIES OF RESPONDING DEPUTIES

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Deputies shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the deputy should immediately notify Dispatch. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, a deputy shall immediately give the location from which he/she is responding.

308.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when a deputy requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Sergeant or a field supervisor prior to assigning units Code-3 . The dispatcher shall:

a. Attempt to assign the closest available unit to the location requiring assistance
b. Immediately notify the Sergeant
c. Confirm the location from which the unit is responding
d. Notify and coordinate allied emergency services (e.g., fire and ambulance)
e. Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
f. Control all radio communications during the emergency and coordinate assistance under the direction of the Sergeant or field supervisor

308.7 SUPERVISORY RESPONSIBILITIES

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Upon being notified that a Code-3 response has been initiated, the Sergeant or the field supervisor shall verify the following:

a. The proper response has been initiated
b. No more than those units reasonably necessary under the circumstances are involved in the response
c. Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Sergeant or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

308.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the Code-3 response and respond accordingly. In all cases, the deputy shall notify the Sergeant, field supervisor, or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

308.9 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

308.10 ANNUAL POLICY REVIEW

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The Operations Chief Deputy, or the authorized designee, shall conduct an annual review of this policy and related procedures and submit a report to the S indicating any recommended changes or requested training.

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Canines

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

309.2 POLICY

It is the policy of the Imperial County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.2.1 USE OF NARCOTIC-DETECTION CANINES

A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

a. To assist in the search for narcotics during a search warrant service.

b. To obtain a search warrant by using the detection canine in support of probable cause.

c. To search vehicles, buildings, bags and any other articles deemed necessary.

A narcotic-detection canine will not be used to search a person for narcotics.

309.2.2 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Patrol Sergeant.

Medical care for any injured canine shall follow the protocol established in § 318.6 et seq.

The injury will be documented on a Canine Use Report Form.

309.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Patrol Sergeant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Patrol Sergeant.

309.3.1 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Unit Coordinator prior to making any commitment.

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309.3.2 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Patrol Sergeant or the Unit Coordinator must approve all requests for canine assistance from outside agencies, subject to the following provisions:

a. Canine teams shall not be used for any assignment that is not consistent with this policy.
b. The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
c. Canine teams shall not be called out while off-duty or used outside the boundaries of the County of Imperial unless authorized by the Patrol Sergeant or the Unit Coordinator.
d. It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Specialized Units Lieutenant or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

a. Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
b. Maintaining a liaison with the vendor kennel.
c. Maintaining a liaison with command staff and functional supervisors.
d. Maintaining a liaison with other agency canine coordinators.
e. Maintaining accurate records to document canine activities.
f. Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
g. Scheduling all canine-related activities.
h. Ensuring the canine teams are scheduled for regular training to maximize their capabilities.
i. Periodically reviewing this policy and recommending updates to the Specialized Units Lieutenant or the authorized designee as needed.

309.4.1 QUALIFICATIONS

a. Complete a POST Basic academy.

b. Completed FTO Training Program.

c. Recommendation of their immediate Supervisor or Unit Commander.

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d. No sustained internal affairs investigations, or disciplinary action within the past two years.

309.4.2 DESIRED QUALITIES

a. Candidates should have and maintain an exemplary record with this department.

b. Candidates should be thoroughly committed to the goals, objectives, and philosophies of departmental programs.

c. Candidates should be self-motivated, sensitive to public concerns, interested in people and looking for self-improvement.

d. Candidates should maintain above average performance in department training activities.

e. Candidates should function in a skillful, productive and professional manner while performing their duties as a canine handler Deputy.

f. Candidates should be committed to this training program.

309.4.3 REMOVAL FROM CANINE HANDLER DEPUTY' STATUS

a. Violation of or failure to comply with any of the terms or conditions specified above.

b. Reassignment to a non-patrol division or non-narcotic assignment.

c. Written request from the Canine Handler Deputy to discontinue their status as a K-9 Handler. This is not automatic, and the request will be considered based on the needs of the department, and availability of other Canine Handler Deputies.

309.4.4 INJURED HANDLER

If any canine handler becomes incapacitated or injured and is unable to handle his/her dog, deputies at the scene should:

a. If possible, have the handler call his/her dog. Once the dog is under his/her personal control, the crisis should subside.

b. Attempt to call the dog to the squad car, the canine vehicle if possible, using the phrase the handler would use to load his/her dog.

c. Attempt to get another handler.

309.5 REQUESTS FOR CANINE TEAMS

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Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Patrol Sergeant.

309.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Patrol Sergeant and are subject to the following:

a. Canine teams shall not be used for any assignment that is not consistent with this policy.
b. The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
c. Calling out off-duty canine teams is discouraged.
d. It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
e. It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.6 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

a. Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
b. Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
c. Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
d. Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

309.6.1 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

a. The search of vehicles, buildings, bags, and other articles.
b. Assisting in the search for narcotics during a search warrant service.
c. Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

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309.7 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

a. A deputy who is currently off probation.
b. Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
c. A garage that can be secured and can accommodate a canine vehicle.
d. Living within 30 minutes travel time from the Imperial County Sheriff's Office.
e. Agreeing to be assigned to the position for a minimum of three years.

309.7.1 DISPOSITION OF CANINES

Whenever a dog is removed from active service, except for re-training with another handler, illness, viciousness, or some similar situation, the dog will be offered to the handler.

If the dog is to be released from its canine assignment, the new owner will be required to sign a waiver of legal liability, releasing the County of Imperial and the Imperial County Sheriff's Office personnel from all liability or responsibility for anything which concerns the dog from that day forward.

a. All pedigree papers will be given to the owner receiving the canine.

b. In the event of the death of the canine, the following procedures will be followed:

c. The supervisor will be immediately notified.

d. The Operations Lieutenant will be notified.

309.8 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

a. Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
b. The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
c. When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
d. When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Imperial County Sheriff's Office designated facility.
e. Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
f. Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

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g. When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
h. The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
i. Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Patrol Sergeant.
j. When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Patrol Sergeant.
k. Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

309.8.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

a. A canine shall not be left unattended in any area to which the public may have access.
b. When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.9 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

309.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Patrol Sergeant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

309.11 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained

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exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Lieutenant.

309.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to meet POST standards and a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

a. Canine teams should receive training as defined in the current contract with the Imperial County Sheriff's Office canine training provider.
b. Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
c. To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

309.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

309.11.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

309.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Imperial County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

309.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(g)).

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The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Imperial County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

309.11.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

a. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
b. The weight and test results shall be recorded and maintained by this department.
c. Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
d. All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
e. All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
f. The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
g. Any unusable controlled substance training samples shall be returned to the Scientific Investigations Unit or to the dispensing agency.
h. All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

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Domestic Violence

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

310.2 POLICY

The Imperial County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

310.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic violence cases:

a. Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
b. When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
    1. A lethality assessment should be administered to victims of domestic violence to assess the level of danger and/or the severity of the situation and attached to the appropriate report.
c. Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
d. When practicable and legally permitted, video or audio record all significant statements and observations.

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e. All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Unit in the event that the injuries later become visible.
f. Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
g. If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
h. Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
i. When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
j. Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
    1. Whether the suspect lives on the premises with the victim.
    2. Claims by the suspect that the victim provoked or perpetuated the violence.
    3. The potential financial or child custody consequences of arrest.
    4. The physical or emotional state of either party.
    5. Use of drugs or alcohol by either party.
    6. Denial that the abuse occurred where evidence indicates otherwise.
    7. A request by the victim not to arrest the suspect.
    8. Location of the incident (public/private).
    9. Speculation that the complainant may not follow through with the prosecution.
    10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
    11. The social status, community status, or professional position of the victim or suspect.

310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

a. Advise the victim that there is no guarantee the suspect will remain in custody.
b. Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
c. Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

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310.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

a. Advise the parties of any options, including but not limited to:
    1. Voluntary separation of the parties.
    2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
b. Document the resolution in a report.

310.4.3 ARRESTING DEPUTIES' RESPONSIBILITIES REGARDING FIREARMS

If a suspect is arrested, deputies shall (Penal Code § 273.76):

a. Query the Automated Firearms System through the California Law Enforcement Telecommunications System (CLETS) for any firearms owned or possessed by the arrestee.
    1. The investigating or filing deputy shall include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.
b. Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee.
c. Ensure that any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody pursuant to Penal Code § 18250.
d. Document in the arrest report the detailed actions taken required by Penal Code § 273.76.

310.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, deputies should be aware that a victim's behavior and actions may be affected:

a. Victims should be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
b. Victims should also be alerted to any available victim advocates, shelters, and community resources.
c. When an involved person requests law enforcement assistance while removing essential items of personal property, deputies should stand by for a reasonable amount of time.
d. If the victim has sustained injury or complaints of pain, deputies should seek medical assistance as soon as practicable.
e. Deputies should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the deputy determines that a need exists.
f. Deputies should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
g. If appropriate, deputies should seek or assist the victim in obtaining an emergency order if appropriate.

A deputy shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

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310.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

310.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and where appropriate and practicable:

a. Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
    1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the deputy shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
b. Check available records or databases that may show the status or conditions of the order.
    1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
c. Contact the issuing court to verify the validity of the order.
d. Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

310.9 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

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a. An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
    1. Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).
b. A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
c. Deputies shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
    1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
    2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
    3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
    4. Penal Code § 646.9 (stalking)
    5. Other serious or violent felonies specified in Penal Code § 1270.1
d. In responding to domestic violence incidents, including mutual protective order violations, deputies should generally be reluctant to make dual arrests. Deputies shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, A deputy shall consider:
    1. The intent of the law to protect victims of domestic violence from continuing abuse.
    2. The threats creating fear of physical injury.
    3. The history of domestic violence between the persons involved.
    4. Whether either person acted in self-defense.
e. An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the deputy's presence. After arrest, the deputy shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

310.10 REPORTS AND RECORDS

a. A written domestic violence incident report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents, including notations for any court order served that are subject to the report requirements (Penal Code § 13730; Code of Civil Procedure § 527.12).
b. Reporting deputies should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

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c. Deputies who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

310.11 RECORD-KEEPING AND DATA COLLECTION

The Records Division shall maintain records of court orders related to domestic violence and the service status of each order (Penal Code § 13710).

Additionally, records shall be maintained on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation. This information is to be reported monthly to the California Department of Justice (DOJ). The Records Supervisor has the responsibility to ensure that records are maintained and the required information is reported to the DOJ (Penal Code § 13730).

310.12 SERVICE OF COURT ORDERS

a. A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The deputy shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
b. A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by a deputy who is present at the scene of a reported domestic violence incident or when the deputy receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
c. Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
d. During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
    1. A deputy should ensure that the Records Division is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see Records Division Policy for additional guidance).
e. If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the deputy shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The deputy shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

310.13 PUBLIC ACCESS TO POLICY

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A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

310.14 DECLARATION IN SUPPORT OF BAIL INCREASE

Any deputy who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the deputy shall prepare a declaration in support of increased bail (Penal Code § 1269c).

310.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

This department should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).

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Verbal Service of Restraining Orders

311.1 PURPOSE AND SCOPE

The Imperial County Sheriff's Office will proceed forward with the process and enforcement associated with Verbal Service of Restraining Orders. The following are necessary steps in order to accomplish and complete the process of giving notice to the respondent/defendant (Suspect) involved in a restraining order.

311.1.1 OBJECTIVE

To provide service of a Court Order, which requires a person to refrain from doing a particular act or acts.

311.2 COURT PROTECTIVE ORDERS

Various courts in domestic violence cases may issue various types of restraining orders. The validity of an out of state and tribal court restraining and protective order will be made by an on call judge. Penal Code 13710 in requires all law enforcement agencies to maintain complete and systematic records of all protection orders relating to domestic violence incidents, restraining orders, and proof's of service which are in effect. This section also requires that these records be used to inform deputies responding to domestic violence calls of the existence, terms, and effective dates of protection orders on file. It shall be the responsibility of the Records Division to maintain these records.

311.3 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 respondent/defendant (Suspect), the deputy should:

a. Inform the respondent/defendant of the terms of the order. Inform the respondent/defendant to contact the court of jurisdiction.

b. Admonish the respondent/defendant of the order, that the respondent/defendant is now on notice and that the violation of the order will result in arrest. If the respondent/defendant continues to violate the order after being advised of the terms, an arrest should be made.

If the respondent/defendant complies after admonishment of the terms, the deputy shall complete a report pursuant to Penal Code 13730(c) showing the respondent/defendant was advised of the terms of the order, any specifics, the name of the deputy, and the date and time. The Departments copy of the restraining order will be updated to reflect the information listed above.

The deputy will receive the restraining order information from dispatch, in order to complete a POS-020 Proof of Service form, which will be a triplicate form. The respondent/defendant will receive the yellow copy; the original white copy will be attached to the report and submitted to records, and the pink copy will be sent to the Civil

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Department, and Civil will forward the Proof of Service to the court of origin. The deputy will also receive a Domestic Violence Restraining Order System (DVROS) printout showing the verbal proof of service on the restrained person. The printout will be attached to the crime report and submitted to records.

311.4 RECORDS

Record's personnel will file the crime report with the attached Proof of Service, and check with Civil to confirm that Civil has received a copy of the Proof of Service.

311.5 CIVIL

The Civil Division will receive the verbal Proof of Service (POS-020), and ensure that the Proof of Service is filed with the court issuing the Order.

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Search and Seizure

312.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Imperial County Sheriff's Office personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Imperial County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include but are not limited to searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances
- Authorization under the terms or conditions of probation or parole supervision

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and their familiarity with clearly established rights as determined by case law.

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Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

312.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

a. Members of this department will strive to conduct searches with dignity and courtesy.
b. Deputies should explain to the person being searched the reason for the search and how the search will be conducted.
c. Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
d. In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
e. When the person to be searched is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:
    1. Another deputy or a supervisor should witness the search.
    2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

312.5 DOCUMENTATION

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Searches of Persons

313.1 PURPOSE AND SCOPE

To provide guidance to all employees concerning the circumstances warranting the search of an arrested person.

313.1.1 DEFINITION

As used in this policy, "pat-down search" refers to a search wherein the subject has his/her clothing patted down from the outside of the clothing, has his/her clothing and body scanned with a metal detector, or has the interior of the pockets in their clothing searched.

As used in this policy, "strip search" refers to a search wherein the subject is caused to remove or rearrange all of his /her clothing so as to permit a visual inspection of the breasts, buttocks, or genitalia of the subject.

As used in this policy "physical body cavity searches" refers to a search where there is a physical intrusion into a body cavity for the purpose of discovering or recovering any contraband.

313.2 SEARCHES

a. Pat-down searches of arrested persons are required prior to placing the person into the Sheriffs Unit.

b. Offenses Involving Weapons, Violence, or Narcotics-Felony or Misdemeanor.

    1. Strip searches will be conducted by Jail personnel prior to the subject being placed into the housing population of the jail facility. After the strip search is conducted, a log entry will be made into Spillman indicating the name and sex of the Correctional Officer that conducted the strip search, the date, time, and place of the strip search, and the results of the strip search.

    2. The jail Watch Commander may issue written authorization to jail personnel to conduct a strip search of a subject when there is a reasonable suspicion that the subject may be in possession of a weapon, narcotics, or in possession of any contraband that might aid in an escape.

313.2.1 SEARCHES BY SAME GENDER

A pat-down search of a prisoner will normally be conducted by a Deputy or Correctional Officer of the same sex as the prisoner.

A strip search of a prisoner shall always be conducted by a Deputy or Correctional Officer of the same sex as the prisoner, and shall be completed out of the view of any other inmates, as well as out of the view of jail personnel other than those necessary to the safe completion of the search.

313.2.2 EXCEPTION TO SAME GENDER SEARCHING

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In an emergency situation where there are no Deputies or Correctional Officers available of the same sex as the person to be "pat-down searched", opposite sex Deputies or Correctional Officers may conduct the pat-down search for their safety or the safety of other persons present.

At no time shall an opposite sex Deputy or Correctional Officer conduct a "strip search" of a person.

313.2.3 PROFESSIONAL DIGNITY

Searches shall be conducted in an atmosphere of professional dignity and with a full appreciation of the extent, however necessary, of the intrusion upon what would otherwise be the privacy of the prisoner being searched.

313.2.4 PHYSICAL BODY CAVITY SEARCH

A search warrant shall be obtained prior to conducting any physical body cavity search.

Physical body cavity searches shall only be conducted by a licensed physician.

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Temporary Custody of Juveniles

314.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Imperial County Sheriff's Office (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

a. A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
b. A juvenile handcuffed to a rail.
c. A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
d. A juvenile being processed in a secure booking area when a non-secure booking area is available.
e. A juvenile left alone in a secure booking area after being photographed and fingerprinted.

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f. A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
g. A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

314.2 POLICY

The Imperial County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Imperial County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

314.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Imperial County Sheriff's Office:

a. Unconscious
b. Seriously injured
c. A known suicide risk or obviously severely emotionally disturbed
d. Significantly intoxicated except when approved by the Sergeant. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
e. Extremely violent or continuously violent

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the Imperial County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

314.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The sergeant shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

314.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themself, or any unusual behavior which may indicate the juvenile may harm themself while in either secure or non-secure custody (15 CCR 1142).

314.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Imperial County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Imperial County Sheriff's Office without authorization of the arresting Deputy's supervisor or the lieutenant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Imperial County Sheriff's Office (34 USC § 11133; Welfare and Institutions Code § 207.1).

314.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Imperial County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

314.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

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314.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Imperial County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602 (b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

a. Released upon warning or citation.
b. Released to a parent or other responsible adult after processing at the Department.
c. Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
d. Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating deputy or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the deputy should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

314.4.4 COURT APPEARANCES OF JUVENILE OFFENDERS

Department members working as court bailiffs shall ensure all juveniles presented to the court are not a danger to themselves or others. All juveniles in the court shall not be placed into a holding cell and shall be continuously monitored by Probation staff. Such monitoring shall be documented on an approved security check log and maintained per the records retention policy.

314.5 ADVISEMENTS

Deputies shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

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Whenever a juvenile is taken into temporary custody, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

314.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

a. Identifying information about the juvenile.
b. Date and time of arrival and release from the Imperial County Sheriff's Office (15 CCR 1150).
c. Lieutenant notification and approval to temporarily hold the juvenile.
d. Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
e. Any changes in status (e.g., emergency situations, unusual incidents).
f. Time of all safety checks.
g. Any medical and other screening requested and completed (15 CCR 1142).
h. Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
i. Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Lieutenant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

314.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Imperial County Sheriff's Office (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to

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minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

314.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Imperial County Sheriff's Office shall ensure the following:

a. The Lieutenant should be notified if it is anticipated that a juvenile may need to remain at the Imperial County Sheriff's Office more than four hours. This will enable the Lieutenant to ensure no juvenile is held at the Imperial County Sheriff's Office more than six hours.
b. A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
c. Personal safety checks and significant incidents/activities shall be noted on the log.
d. Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
    1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
    2. This does not apply to surreptitious and legally obtained recorded interrogations.
e. Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
f. Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
g. Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
h. Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
i. Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
j. Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
k. Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).
l. Blankets shall be provided as reasonably necessary (15 CCR 1143).
    1. The supervisor should ensure that there is an adequate supply of clean blankets.
m. Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
n. Juveniles shall have adequate furnishings, including suitable chairs or benches.
o. Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
p. Juveniles shall have access to language services (15 CCR 1143).
q. Juveniles shall have access to disability services (15 CCR 1143).
r. No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

314.9 USE OF RESTRAINT DEVICES

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Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Imperial County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

314.10 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the Imperial County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Imperial County Sheriff's Office.

314.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

a. Age, maturity, and delinquent history
b. Severity of offense for which the juvenile was taken into custody
c. The juvenile offender's behavior
d. Availability of staff to provide adequate supervision or protection of the juvenile offender
e. Age, type, and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

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Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

314.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

a. The juvenile shall constantly be monitored by an audio/video system during the entire custody.
b. Juveniles shall have constant auditory access to department members (15 CCR 1147).
c. Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
d. Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
    1. All safety checks shall be logged.
    2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
    3. Requests or concerns of the juvenile should be logged.
e. Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
f. Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
g. Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

314.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Lieutenant will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Imperial County Sheriff's Office (15 CCR 1142; 15 CCR 1047). The procedures will address:

a. Immediate notification of the on-duty supervisor, Sheriff, and Investigations Supervisor.
b. Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
c. Notification of the appropriate prosecutor.
d. Notification of the County attorney.
e. Notification to the coroner.
f. Notification of the juvenile court.
g. In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections (BSCC) within the same time frame (15 CCR 1046).
h. A medical and operational review of deaths pursuant to 15 CCR 1046.

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1. A copy of the review report shall be provided to BSCC within 60 days of the death (15 CCR 1046).

i. Evidence preservation.

314.12.1 IN-CUSTODY DEATH PUBLICATION

The Sheriff or the authorized designee should ensure that specified information relating to an in-custody death of a juvenile is posted on the department website as prescribed and within the time frames provided in Penal Code § 10008.

314.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, a deputy shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile (Welfare and Institutions Code § 625.6).

Threats, physical harm, deception, or psychologically manipulative interrogation tactics shall not be used by a deputy during a custodial interrogation of a juvenile (Welfare and Institutions Code § 625.7).

The requirements to consult with legal counsel or to refrain from the use of prohibited interrogation techniques do not apply when (Welfare and Institutions Code § 625.6; Welfare and Institutions Code § 625.7):

a. Information is necessary to protect life or property from an imminent threat.
    1. The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

314.13.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

a. Recording is not feasible because of exigent circumstances that are later documented in a report.
b. The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
c. The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
d. The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

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e. The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
f. A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
g. The questions are part of a routine processing or booking, and are not an interrogation.
h. The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

314.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting deputy's supervisor, or in the supervisor's absence, the OIC.

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Sergeant or the Investigations supervisor, giving due consideration to the following:

a. The gravity of the offense
b. The past record of the offender
c. The age of the offender

314.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the records supervisor and the appropriate Investigations supervisor to ensure that personnel of those bureaus act within legal guidelines.

314.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Chief Deputy shall coordinate the procedures related to the custody of juveniles held at the Imperial County Sheriff's Office and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

314.17 RELIGIOUS ACCOMMODATION

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Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

314.18 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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Senior and Disability Victimization

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Imperial County Sheriff's Office members as required by law (Penal Code § 368.6).

The Imperial County Sheriff's Office is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

315.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

Department **protocols (or protocols)** - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

Elder and dependent adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Senior and disability victimization - Means any of the following (Penal Code § 368.6):

a. Elder and dependent adult abuse
b. Unlawful interference with a mandated report
c. Homicide of an elder, dependent adult, or other adult or child with a disability
d. Sex crimes against elders, dependent adults, or other adults and children with disabilities
e. Child abuse of children with disabilities
f. Violation of relevant protective orders

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g. Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
h. Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

315.2 POLICY

The Imperial County Sheriff's Office will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

315.2.1 ARREST POLICY

It is the department policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

315.2.2 ADHERENCE TO POLICY

All deputies are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves a deputy's deviation from this policy shall provide a written report to the Sheriff that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to department protocols (Penal Code § 368.6(c)(27)).

The Sheriff shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

315.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of elder and dependent adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated (Penal Code § 368.6).

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

1. The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
2. Any relevant statements the victim may have made and to whom he/she made the statements.
3. If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
4. Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
5. Whether the victim was transported for medical treatment or a medical examination.
6. Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

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7. Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
8. Previous addresses of the victim and suspect.
9. Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
10. Witness and suspect statements if available.
11. Review of all portable audio/video recorders, devices, and other available video.
12. Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
13. Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
14. Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
15. Whether a death involved the End of Life Option Act:
    1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
    2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
    3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
    4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

315.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

a. Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim’s actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

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b. Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
c. Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
d. Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

315.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

a. Conduct interviews in appropriate interview facilities.
b. Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
c. Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
d. Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
e. Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).
    1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).
    2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
f. Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
g. Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

315.5 MANDATORY NOTIFICATION

Members of the Imperial County Sheriff's Office shall notify the local office of the California Department of Social Services (CDSS) APS agency of known, suspected, or alleged instances of abuse when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

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Notification shall be made by telephone or through a confidential internet reporting tool as soon as practicable. If notification is made by telephone, a written report shall be sent or internet report shall be made through the confidential internet reporting tool within two working days, as provided in Welfare and Institutions Code § 15630 (b).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

a. If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
    1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
    2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
    3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.
b. The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
c. The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
d. If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
e. The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
f. The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
g. If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
    1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
h. If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
i. When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

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The Investigations supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e. g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

Failure to report or impeding or inhibiting a report of abuse of an elder or dependent adult is a misdemeanor (Welfare and Institutions Code §15630(h)).

315.5.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

a. The name of the person making the report.
b. The name and age of the elder or dependent adult.
c. The present location of the elder or dependent adult.
d. The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
e. The nature and extent of the condition of the elder or dependent adult.
f. The date of incident.
g. Any other information, including information that led the person to suspect elder or dependent adult abuse.

315.6 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to APS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult

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victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

315.6.1 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)).

315.6.2 VERIFICATION OF PROTECTIVE ORDER

Whenever a deputy verifies that a relevant protective order has been issued, the deputy shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the deputy shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

a. Inquire whether the restrained person possesses firearms. The deputy should make this effort by asking the restrained person and the protected person.
b. Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
c. Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected elder or dependent adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

315.7.2 DETAINING VICTIMS FOR INTERVIEWS

A Deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

1. Exigent circumstances exist, such as:
    1. A reasonable belief that medical issues of the adult need to be addressed immediately.
    2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
    3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
2. A court order or warrant has been issued.

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315.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

A Deputy who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

315.8 MEDICAL EXAMINATIONS

When an elder or dependent adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

315.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

315.9.1 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

a. Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
b. Notify the Investigations supervisor so an interagency response can begin.

315.9.2 SUPERVISOR RESPONSIBILITIES

The Investigations supervisor should:

a. Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
b. Activate any available interagency response when deputy notifies the Investigations supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.

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c. Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social, and other conditions that may affect the adult.

315.10 TRAINING

The Department should provide training on best practices in elder and dependent adult abuse investigations to members tasked with investigating these cases. The training should include:

a. Participating in multidisciplinary investigations, as appropriate.
b. Conducting interviews.
c. Availability of therapy services for adults and families.
d. Availability of specialized forensic medical exams.
e. Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
f. Availability of victim advocates or other support.

315.10.1 MANDATORY TRAINING

The Training Manager shall ensure that appropriate personnel receive the required training, including:

a. Materials from POST as described in Penal Code § 368.6(c)(5)(A).
b. Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).
    1. Training should include the following:
        a. Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).
        b. Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Training Manager shall also ensure that appropriate training is provided on this policy to dispatchers, community services officers, front desk personnel, and other civilian personnel who interact with the public (Penal Code § 368.6 (c)(7)).

315.11 RECORDS DIVISION RESPONSIBILITIES

The Records Division is responsible for:

a. Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
b. Retaining the original elder or dependent adult abuse report with the initial case file.

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315.12 JURISDICTION

The Imperial County Sheriff's Office has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this departmnent will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

315.13 RELEVANT STATUTES

Penal Code § 288 (a) and Penal Code § 288 (b)(2)

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

Penal Code § 368 (c)

A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which their person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

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Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

Welfare and Institutions Code § 15610.05

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

a. "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:
    1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
    2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
    3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
b. A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
c. For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
d. For purposes of this section, "representative" means a person or entity that is either of the following:
    1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
    2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

a. "Isolation" means any of the following:

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1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
3. False imprisonment, as defined in Section 236 of the Penal Code.
4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

b. The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice. medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

c. The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

a. "Neglect" means either of the following:
    1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
    2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

b. 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. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
    3. Failure to protect from health and safety hazards.
    4. Failure to prevent malnutrition or dehydration.
    5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
    6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

c. Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

a. Assault, as defined in Section 240 of the Penal Code.

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b. Battery, as defined in Section 242 of the Penal Code.
c. Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
d. Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
e. Sexual assault, that means any of the following:
    1. Sexual battery, as defined in Section 243.4 of the Penal Code.
    2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
    3. Rape in concert, as described in Section 264.1 of the Penal Code.
    4. Incest, as defined in Section 285 of the Penal Code.
    5. Sodomy, as defined in Section 286 of the Penal Code.
    6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
    7. Sexual penetration, as defined in Section 289 of the Penal Code.
    8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
f. Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
    1. For punishment.
    2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
    3. For any purpose not authorized by the physician and surgeon.

315.14 SHERIFF RESPONSIBILITIES

The Sheriff or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

a. Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
b. Developing and including department protocols in this policy, including but not limited to the following:
    1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
    2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
        a. In the case of a senior and disability victimization committed in a deputy's presence, including but not limited to a violation of a relevant protective order, the deputy shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
        b. In the case of a felony not committed in a deputy's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

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c. In the case of a misdemeanor not committed in the deputy's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
d. Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.

3. Procedures for first responding deputies to follow when interviewing persons with cognitive and communication disabilities until deputies, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.

c. For each department protocol, include either a specific title-by-title list of deputy responsibilities or a specific office or unit in the Department responsible for implementing the protocol.
d. Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
e. Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
f. Ensuring that all members carry out their responsibilities under this policy.
g. Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to deputies, including a simple and immediate way for deputies to access the policy in the field when needed.
h. Ensuring this policy is available to the Protection and Advocacy Agency upon request.

315.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Sheriff or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

a. Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
b. Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

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Discriminatory Harassment

316.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent Imperial County Sheriff's Office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

316.2 POLICY

The Imperial County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Imperial County Sheriff's Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

316.3 DEFINITIONS

Definitions related to this policy include:

316.3.1 DISCRIMINATION

The Imperial County Sheriff's Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

316.3.2 SEXUAL HARASSMENT

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The Imperial County Sheriff's Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
b. Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
c. Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

316.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

a. Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.
b. Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or [department/office] rules or regulations, or any other appropriate work-related communication between supervisor and member.

316.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

316.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Imperial County Sheriff's Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Equal Employment Opportunity Officer, or the Human Resources & Risk Management Director.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

316.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

a. Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
b. Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
c. Ensuring that their subordinates understand their responsibilities under this policy.
d. Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
e. Making a timely determination regarding the substance of any allegation based upon all available facts.
f. Notifying the Sheriff or the Human Resources & Risk Management Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

316.4.2 SUPERVISOR’S ROLE

Supervisors and managers shall be aware of the following:

a. Behavior of supervisors and managers should represent the values of the Imperial County Sheriff's Office and professional standards.
b. False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

316.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Equal Employment Opportunity Officer, the Human Resources & Risk Management Director, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

316.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Imperial County Sheriff's Office that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

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316.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

316.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, the Equal Employment Opportunity Officer, or the Human Resources & Risk Management Director.

316.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Imperial County Sheriff's Office. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

316.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

a. Approved by the Sheriff, the, or the Human Resources & Risk Management Director, depending on the ranks of the involved parties.
b. Maintained in accordance with the department's established records retention schedule.

316.6.1 NOTIFICATION OF DISPOSITION

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The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

316.7 WORKING CONDITIONS

The Administrative and Support Services Division Chief Deputy or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked (2 CCR 11034).

316.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Imperial County Sheriff's Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

316.8.1 STATE-REQUIRED TRAINING

The Training Coordinator should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

a. Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
b. All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
c. All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Coordinator should ensure that employees are provided the following website address to the training course: https://calcivilrights.ca.gov (Government Code § 12950; 2 CCR 11023).

316.8.2 TRAINING RECORDS

The Training Coordinator shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

316.9 REQUIRED POSTERS

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The Imperial County Sheriff's Office shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

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Child Abuse

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Imperial County Sheriff's Office members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child’s care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

317.2 POLICY

The Imperial County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

317.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

a. There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
b. A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the

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willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

317.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

a. Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.

b. A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

317.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

a. Conduct interviews in child appropriate interview facilities.

b. Be familiar with forensic interview techniques specific to child abuse investigations.

c. Present all cases of alleged child abuse to the prosecutor for review.

d. Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

e. Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

f. Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

317.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

a. The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
b. The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.
c. Any relevant statements the child may have made and to whom he/she made the statements.

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d. If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
e. Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
f. Whether the child victim was transported for medical treatment or a medical examination.
g. Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
h. Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
i. Previous addresses of the victim and suspect.
j. Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

317.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax, or electronic transfer to the agency with proper jurisdiction (Penal Code § 11165.9).

317.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

a. Name and telephone number
b. Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

317.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears

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necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

a. The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
    1. The child has an immediate need for medical care.
    2. The child is in immediate danger of physical or sexual abuse.
    3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
b. The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
    1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
    2. There is no lawful custodian available to take custody of the child.
    3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
    4. The child is an abducted child.
c. The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

317.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

317.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, deputies can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

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Deputies shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

317.7 INTERVIEWS

317.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

317.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

a. Exigent circumstances exist, such as:
    1. A reasonable belief that medical issues of the child need to be addressed immediately.
    2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
    3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
b. A court order or warrant has been issued.

317.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member’s presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

317.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state

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law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

317.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

317.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations supervisor should:

a. Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
b. Activate any available interagency response when a deputy notifies Investigations supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
c. Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

317.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

a. Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
b. Notify the Investigations supervisor so an interagency response can begin.

317.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

317.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 841.5; Penal Code § 11167.5).

317.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

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Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

317.10.3 CACI HEARING OFFICER

The Investigations supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

317.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

a. Case reports including any supplemental reports

b. Statements by investigators

c. Statements from representatives of the District Attorney's Office

d. Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

317.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

317.11 TRAINING

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The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

a. Participating in multidisciplinary investigations, as appropriate.
b. Conducting forensic interviews.
c. Availability of therapy services for children and families.
d. Availability of specialized forensic medical exams.
e. Cultural competence (including interpretive services) related to child abuse investigations.
f. Availability of victim advocate or guardian ad litem support.

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Missing Persons

318.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

318.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play
- A person missing and in need of medical attention
- A missing person with no pattern of running away or disappearing
- A missing person who may be the victim of parental abduction
- A mentally impaired missing person, including cognitively impaired or developmentally disabled

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away, or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily, or under circumstances that do not conform to their ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks that are available to law enforcement and that are suitable for obtaining information related to missing persons investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the California Law Enforcement Telecommunications System (CLETS), the Missing Person System (MPS), and the Unidentified Persons System (UPS).

318.2 POLICY

The Imperial County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Imperial County Sheriff's Office gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

318.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

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- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

318.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

318.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

a. Respond to a dispatched call as soon as practicable.
b. Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
c. Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
d. Broadcast a "Be on the Look-Out (BOLO) bulletin" if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
e. Ensure that entries are made into the appropriate missing person networks as follows:
    1. Immediately, when the missing person is at risk.
    2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
f. Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
g. Collect and/or review:
    1. A photograph and a fingerprint card of the missing person, if available.
    2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

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3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

h. When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
i. Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

318.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

318.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

a. Reviewing and approving missing person reports upon receipt.
    1. The reports should be promptly sent to the Records Division.
b. Ensuring resources are deployed as appropriate.
c. Initiating a command post as needed.
d. Ensuring applicable notifications and public alerts are made and documented.
e. Ensuring that records have been entered into the appropriate missing persons networks.
f. Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

318.6.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the receiving member shall include but are not limited to:

a. As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
b. Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen (Penal Code § 14211).
c. Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
d. Forwarding a copy of the report to the Investigations Unit.

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e. Coordinating with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

318.7 INVESTIGATIONS UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

a. Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
    1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
    2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
b. Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
c. Should consider contacting other agencies involved in the case to determine if any additional information is available.
d. Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
e. Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
f. Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
g. Should make appropriate inquiry with the Coroner's Office.
h. Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
i. Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
j. In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

318.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

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The records supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

a. Notification is made to California DOJ.
b. The missing person's school is notified.
c. Entries are made in the applicable missing person networks.
d. Immediately notify the Attorney General's Office.
e. Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

318.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themself should:

a. Obtain a complete description of the person.
b. Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
c. Use available resources, such as those related to missing persons, to identify the person.

318.9 CASE CLOSURE

The Investigations supervisor may authorize the closure of a missing person case after considering the following:

a. Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
b. If the missing person is a resident of County of Imperial or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
c. If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified, and entries are made in the applicable missing person networks as appropriate.
d. A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

318.10 TRAINING

Subject to available resources, the Training Manager should ensure that members of this Department whose duties include missing person investigations and reports receive regular training that includes:

a. The initial investigation:
    1. Assessments and interviews
    2. Use of current resources, such as Mobile Audio Video (MAV)
    3. Confirming missing status and custody status of minors
    4. Evaluating the need for a heightened response
    5. Identifying the zone of safety based on chronological age and developmental stage

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b. Briefing of department members at the scene.
c. Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
d. Verifying the accuracy of all descriptive information.
e. Initiating a neighborhood investigation.
f. Investigating any relevant recent family dynamics.
g. Addressing conflicting information.
h. Key investigative and coordination steps.
i. Managing a missing person case.
j. Additional resources and specialized services.
k. Update procedures for case information and descriptions.
l. Preserving scenes.
m. Internet and technology issues (e.g., Internet use, cell phone use).
n. Media relations.

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Public Alerts

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

319.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

319.3 RESPONSIBILITIES

319.3.1 MEMBER RESPONSIBILITIES

Members of the Imperial County Sheriff's Office should notify their supervisor, Lieutenant, or Investigations Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

319.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Chief Deputy and the Press Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

a. Updating alerts
b. Canceling alerts
c. Ensuring all appropriate reports are completed
d. Preparing an after-action evaluation of the investigation to be forwarded to the Chief Deputy

319.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

319.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

a. A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

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b. The victim is 17 years of age or younger, or has a proven mental or physical disability.

c. The victim is in imminent danger of serious injury or death.

d. There is information available that, if provided to the public, could assist in the child's safe recovery.

319.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

a. An initial press release is prepared that includes all available information that might aid in locating the child:
    1. The child's identity, age and description
    2. Photograph if available
    3. The suspect's identity, age and description, if known
    4. Pertinent vehicle description
    5. Detail regarding location of incident, direction of travel, potential destinations, if known
    6. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
    7. A telephone number for the public to call with leads or information
b. The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
c. The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
d. Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
e. Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
f. The following resources should be considered as circumstances dictate:
    1. The local FBI office
    2. National Center for Missing and Exploited Children (NCMEC)

319.5 BLUE ALERTS

Blue Alerts may be issued when a deputy is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

319.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

a. A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
b. The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

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c. A detailed description of the suspect’s vehicle or license plate is available for broadcast.
d. Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

319.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

a. An initial press release is prepared that includes all available information that might aid in locating the suspect:
    1. The license number and/or any other available description or photograph of the vehicle
    2. Photograph, description and/or identification of the suspect
    3. The suspect's identity, age and description, if known
    4. Detail regarding location of incident, direction of travel, potential destinations, if known
    5. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
    6. A telephone number for the public to call with leads or information
b. The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
c. The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
d. The following resources should be considered as circumstances dictate:
    1. Entry into the California Law Enforcement Telecommunication System (CLETS)
    2. The FBI local office

319.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

319.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

a. The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
b. The department has utilized all available local resources.
c. The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
d. The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
e. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

319.6.2 PROCEDURE FOR SILVER ALERT

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Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

319.7 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

319.7.1 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

319.7.2 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

a. Evacuation orders (including evacuation routes, shelter information, key information).
b. Shelter-in-place guidance due to severe weather.
c. Terrorist threats.
d. HazMat incidents.

319.8 FEATHER ALERT

A Feather Alert may be issued when an Indigenous person is reported missing. The determination that criteria has been met for the alert shall be made within 24 hours following the initial report being made to the Department (Government Code § 8594.13).

319.8.1 CRITERIA FOR FEATHER ALERT

The Department may request that a Feather Alert be activated if it is determined that the alert would be an effective tool in the investigation of missing and murdered Indigenous persons, including young women or girls. The following factors shall be considered to make that determination (Government Code § 8594.13):

a. The missing person is an Indigenous person.
b. The Department has utilized local and tribal resources.
c. The investigating deputy has determined the person is missing.
d. The investigating deputy or supervisor believes that the person is in danger and missing under circumstances that indicate any of the following:
    1. The missing person's physical safety may be endangered.
    2. The missing person may be subject to trafficking.
    3. The missing person suffers from a mental or physical disability, or substance use disorder.
e. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

319.8.2 PROCEDURE FOR FEATHER ALERT

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Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

319.9 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

319.9.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

a. The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
b. The Department has utilized all available local resources.
c. The investigating deputy has determined the person has gone missing under unexplained or suspicious circumstances.
d. The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
e. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

319.9.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

319.10 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

319.10.1 CRITERIA FOR EBONY ALERT

The investigating deputy may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

a. The missing person is between the ages of 12 and 25 years old, inclusive.
b. The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
c. The missing person suffers from a mental or physical disability.
d. Determination that the person has gone missing under unexplained or suspicious circumstances.

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e. Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
f. The Department has utilized all available local resources.
g. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

319.10.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

319.11 LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES

In the event of an emergency, as defined in Government Code § 7299.7, the Imperial County Sheriff's Office shall provide information to the public relating to the emergency in all languages jointly spoken by the local population as provided in Government Code § 7299.7.

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Code Able

320.1 PURPOSE AND SCOPE

In the event of a major violent crime (assassinations, the killing of a Law Enforcement Officer, etc.) occurring within Imperial County, a master roadblock plan encompassing the entire county would be beneficial. A total seal could be established enabling each passing vehicle to be visibly inspected and the occupants interrogated. In utilizing this plan, several allied agencies would necessarily become involved, including Imperial County Sheriff's Office, California Highway Patrol (El Centro / Winterhaven), Bureau of Land Management, United States Customs and Border Protection, and the Calexico Police Department. This plan encompasses manning sixteen (16) key points within the county, as well as the use of available aircraft.

320.2 PURPOSE

To establish a series of roadblocks throughout Imperial County, sealing main arterial County exit routes and providing coverage on county freeway and main highways to prevent the escape of wanted persons.

320.2.1 DEFINITION OF A ROADBLOCK

a. A roadblock is a deliberate method to restrict by physical means the use of a roadway at one or more given points for a specific purpose.

b. Roadblocks are used to divert the traffic upon a highway or to close it partially or completely by means of prefabricated barricades, improved barriers, or vehicles.

320.3 FELONY APPREHENSION

a. Deputies shall have definite knowledge that the persons being sought are fleeing to avoid arrest for a forcible or atrocious felony before employing a roadblock.

b. The following are some of the most common crimes, which might justify the use of a roadblock. However, the list is not all-inclusive.

    1. Any major felony, such as murder, kidnapping, robbery, which involves the use of deadly force.

    2. Sex crimes

    3. Felony hit and runs

    4. Assault with intent to kill or felonious assault

    5. Prison escapes

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320.4 TYPES OF ROADBLOCKS

320.4.1 BLOCKING TWO-LANE ROADWAY

a. When it is necessary to block a two-lane road and stop traffic traveling in only one direction, the units should be parked at a 45-degree angle to the roadway partially blocking the traffic to be stopped.

b. Appropriate warning devices should be placed in the approximate center of the roadway, not less than 300 feet from the unit facing the traffic to be stopped.

c. At night, the deputy investigating the stopped vehicle should stay off the road and out of the headlight beam as much as possible until the vehicle has stopped.

d. While the first deputy is checking the stopped vehicle, the second deputy should take cover with a firearm on the opposite side of the patrol vehicle, using the engine area of the patrol vehicle as a shield, and observe the entire scene.

e. When stopping traffic going in both directions, the same system may be used the deputies exchanging assignments from time to time to equalize exposure. However, this would be satisfactory only if the traffic was light. In heavy traffic areas, it is necessary to assign two units to stop traffic going in both directions, with the second unit parking the same as the first except on the opposite side of the road approximately 160 feet away.

320.4.2 BLOCKING MULTILANE ROADWAY

a. Flares or other regulatory devices (cones) should be placed in positions to funnel traffic into one lane. An additional unit may be strategically placed near the block to pursue vehicles, which fail to stop at the blockade.

b. When establishing a roadblock on a freeway or expressway, select a location where traffic can be diverted off the main roadway via an off-ramp. This may necessitate traffic control where the off-ramp intersects the street or road. any roadblock established on a main-traveled highway as described may cause congestion and should be avoided whenever possible.

320.4.3 BLOCKING FOUR-WAY INTERSECTIONS

a. Blocking a four-way intersection requires at least two units and four deputies. It is difficult for two deputies to block such an intersection with any degree of safety or efficiency. If two units are used in blocking traffic in two directions, the same system as outlined above may be employed, placing a unit on each road to be blocked.

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b. Each vehicle stopped should be inspected and the occupants questioned. The fugitive may be hiding in the vehicle either armed or unarmed. If any occupant of the vehicle arouses a deputy's suspicion, he/she should check the individual's identification and interrogate as necessary.

320.5 AUTHORITY FOR ACTIVATION

Only the ICSO Duty Officer may activate "Code Able." The on-duty ICSO Operations Watch Commander will physically monitor the operation.

320.5.1 WHEN TO USE

Use of Code Able is restricted to major violent crimes, such as: Kidnappings, Murder, Assassinations, Police Killings and any other crime that is determined to be of sufficient magnitude to warrant implementation of this plan. ICSO has the discretion to deny the activation of "Code Able" after conferring with the requesting agency.

To gain the most effective use of Code Able, one or more of the following should be available:

a. Complete description of the suspect vehicle and license plate.

    1. If the license plate is unknown, a description of sufficient quality to distinguish the suspect vehicle from similar makes and models.

    2. If the vehicle is unknown or of vague description, have some outstanding characteristics which would attract an deputy's attention; for example: a wounded suspect, bullet holes in the vehicle, a kidnapping victim in the vehicle, distinctive color or markings, damage, etc.

320.5.2 HOW TO USE

a. The duty watch commander or higher rank of the requesting agency contacts the Imperial County Sheriff's Office Communication Center (ICSOCC). This individual identifies themselves, makes the request for "Code Able" total complete roadblock, if possible descriptions shall be given to ICSOCC at this time. Throughout the use of the plan the requesting agency will keep the ICSOCC aware of any new developments by utilizing Imperial County Sheriff's Office 800 MHz Central Command, or if this radio service is not available to the Agency, via telephone.

b. Before initiating the "Code Able" ICSOCC will contact their Duty Officer for approval.

c. Once approved, ICSOCC will initiate the broadcast on all channels, advising "Code Able-Total" in effect. Upon transmission of the message, ICSOCC will assume operational command of the plan, utilizing 800 MHz Central Command in initiating a Code 33. ICSOCC will call each agency via landline to ensure the broadcast was copied. Details and descriptions shall be broadcast as often as practical depending on the length of the broadcast and other radio traffic.

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d. Upon receipt of the ICSOCC broadcast each agency will proceed to their post commitments. It is up to the agency as to the number of units assigned to each post, and upon arrival shall notify ICSOCC. All allied agencies will be notified and requested to man main arteries into and out of their cities/areas in order to monitor vehicular traffic. If allied agencies cannot man their respective post, they must contact ICSOCC within 3 5 minutes of the activation of Code Able. This will allow ICSOCC to secure other agencies to man the post.

e. If ICSOCC desires to contact a specific post the communication personnel may use the post number assigned from 1 16.

320.6 ADDITIONAL DUTIES

ICSOCC shall have the responsibility of maintaining a permanent record of all Code Able uses. The record will include the following:

a. Requesting agency including initiating staff officer

b. Time requested, initiated, and cancelled.

c. Type of crime (case number to be added later).

d. Description of vehicle, suspects, weapons, direction of travel, etc.

e. Note any successes, problems, and comments. Note: ICSO is a recording agency only. Problems arising between departments will be handled like any other interdepartmental problem. The notification of ICSOCC is merely to provide accurate records for future evaluation of Code Able.

320.7 POST ASSIGNMENTS

Posts are assigned with twofold intent; first to block or seal off arterial county exits and secondly to provide countywide observation points at county exits. There is some redundancy built into the Post Able post assignments, which is necessary until the county is sealed. Once the county is sealed and all the post are manned adjustments can be made as desired. An example would be if the United States Customs and Border Protection Checkpoint is open on Highway 78 East of Ogilby road (Post Able 11) Post Able 4 at Highway 78 and Ogilby road could be closed. These Post Assignments are as follows:

Post Able 1 State Route 86 south of State Route 78

(United States Border Patrol Checkpoint)

Two deputies utilizing traffic cones can divert traffic into the checkpoint. United States Customs and Border Protection Agents normally man the checkpoint, however, Imperial County Sheriff Deputies (regular patrol or Salton City Resident) or the California Highway Patrol (El Centro station) could man the checkpoint if needed.

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Post Able 2 State Route 111 south of Niland Marina

(United States Border Patrol Checkpoint)

Two deputies utilizing traffic cones can divert traffic into the checkpoint. United States Customs and Border Protection Agents normally man this, however, Imperial County Sheriff Deputies or the California Highway Patrol (El Centro Station) could man the checkpoint, if needed.

Post Able 3 Coachella Canal South of Frink Road (Bridge)

(U.S. Border Patrol has sensors installed on Coachella Canal and can monitor from Highway 111 Checkpoint)

Two officers can stop and check all vehicles. U.S. Border Patrol would normally have someone in the area to handle this. If U.S. Border Patrol were unavailable, either the Imperial County Sheriff's Office or the California Highway Patrol could man the position.

For an observation only situation, one officer from any above-mentioned agencies would be sufficient.

Post Able 4 State Route 78 at Ogilby Road.

Two officers utilizing traffic cones can stop traffic and check all vehicles. The California Highway Patrol Winterhaven Station will man this position. If they are not available, the position could be manned by the Imperial County Sheriff's Office.

Post Able 5 Interstate 8 and Ogilby road.

(Setup West of the on-ramp to Ogilby road)

Two officers utilizing traffic cones can stop and check all vehicles. The California Highway Patrol Winterhaven Station will man this position. If they are not available, the Imperial County Sheriff's Office Winterhaven Station will cover the position.

Post Able 6 Eastbound Interstate 8 at the Arizona Inspection Station.

Two officers utilizing traffic cones can stop traffic and check all vehicles. The California Highway Patrol Winterhaven station will handle this position. If they are not available, the Imperial County Sheriff's Office Winterhaven Station will cover the position.

Post Able 7 Evan Hewes Highway West of Dunaway Road.

Two officers utilizing traffic cones can stop traffic and check all vehicles. The Imperial County Sheriff's Office (Central or Ocotillo) will cover the position as available.

Post Able 8 Imperial Highway (S2) and the County line (Ocotillo Area)

United States Customs and Border Protection permanent Check Point

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Two officers utilizing traffic cones can stop traffic and check all vehicles. United States Customs and Border Protection Agents normally man this post, however the Imperial County Sheriff's Office Ocotillo resident can augment when available.

Post Able 9 Westbound Interstate 8 West of State Route 98 (Set up west of the west "Y")

Two officers utilizing traffic cones can stop traffic and check all vehicles. The California Highway Patrol (El Centro or El Cajon) should handle this position. If they are not available, the Imperial County Sheriff's Office (Central or Ocotillo) will cover the position.

Post Able 10 Calexico Port of Entry

Calexico Police Department would have to coordinate with US Customs and Border Protection in setting up any type of road closure, as it would all occur in the city of Calexico.

Post Able 11 Highway 78 East of Ogilby Road

(United States Customs and Border Protection Checkpoint)

Two officers utilizing traffic cones can divert traffic into the checkpoint. United States Customs and Border Protection Agents normally man this, however, Imperial County Sheriff Deputies (regular patrol or Palo Verde) or the California Highway Patrol could man the checkpoint if needed.

Post Able 12 Andrade Port of Entry (Open 0600 2200 hours)

ICSO would have to coordinate with U.S. Customs and Border Protection in setting up any type of road closure at the point of entry.

Post Able 13 Calexico East Port of Entry (Open 0600 2200 hours)

The California Highway Patrol (Commercial Port) would have to coordinate with U.S. Customs and Border Protection in setting up any type of road closure, as they are already assigned in the area.

Post Able 14 Mexican Border East and West of Calexico

In a total seal situation, patrolling the Mexican border would have to be handled by the U.S. Border Patrol.

Post Able 15 Imperial County Airport

The Imperial Police Department and/or El Centro Police Department will cover this post. They will not only monitor passengers boarding or waiting to board flights, but also other people in the airport for the suspects.

Post Able 16 Calexico Airport

US Customs and Border Protection and/or Calexico Police Department will handle this post.

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Post Able 17 Use of Aircraft

a. The use of aircraft from the U.S. Customs and Border Protection, California Highway patrol, Imperial County Aero Squadron, will be used on an availability basis.

b. If the Mexican Border, the Calexico Port, the Calexico East Port, and the Andrade Port were handled as mentioned above, the rest of the county could be totally sealed by approximately 30 officers from various agencies.

c. Any on-duty Fish and Game Officer or Bureau of Land Management Rangers should respond to the nearest post to them and upon arrival report their location to ICSOCC. They will assist whatever agency has the primary responsibility for manning that post.

320.8 ROADBLOCK SCENES AND POLICIES

In reference to the method, manner, procedure or policy in which to divert traffic upon a highway, roadway, or to close it partially or completely by means of prefabricated barricades, improved barricades, flare patterns or vehicles, the agency initiating the roadblock will follow their preset policies and procedures.

Having activated "Code Able" officers who are assigned to one of the 15 Posts may place and maintain a roadblock, which shall correspond to their Agency's policy. They shall be responsible for the implementation of equipment and the on-site execution. All other allied agencies responding to assist at such Posts shall adhere to the originating Agency's procedures in order that the Post location be coordinated and supervised satisfactorily with the originating agencies policies.

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Victim and Witness Assistance

321.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

321.2 POLICY

The Imperial County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Imperial County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

321.3 CRIME VICTIM LIAISON

The Sheriff shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Imperial County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

321.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

a. Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
b. Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
c. Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
d. Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
e. Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
    1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Imperial County Sheriff's Office jurisdiction (Penal Code § 680.2).
f. Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
    1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

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g. Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Department, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

321.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

321.4.1 VICTIMS OF HUMAN TRAFFICKING

Deputies investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

321.5 VICTIM INFORMATION

The Division Lieutenants shall ensure that victim information handouts are available and current. These should include as appropriate:

a. Shelters and other community resources for victims of domestic violence.
b. Community resources for victims of sexual assault.
c. Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
d. An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
e. An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
f. A clear explanation of relevant court orders and how they can be obtained.
g. Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
h. VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
i. Notice regarding U visa and T visa application processes.
j. Resources available for victims of identity theft.
k. A place for the deputy's name, badge number, and any applicable case or incident number.

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l. The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
m. The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
n. Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

321.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

322.1 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All Deputies are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or other command-level officer to whom the Sheriff formally delegates this responsibility.

322.2 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Imperial County Sheriff's Office may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

322.2.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

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Disability bias - In recognizing suspected disability-bias hate crimes, Deputies should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, Deputies should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

a. Disability
b. Gender
c. Nationality
d. Race or ethnicity
e. Religion
f. Sexual orientation
g. Association with a person or group with one or more of these actual or perceived characteristics:
    1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

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Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, Deputies should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

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- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

322.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

322.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Sheriff or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

a. Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
b. Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
c. Providing direct and referral assistance to the victim and the victim's family.
d. Conducting public meetings on hate crime threats and violence in general.

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e. Establishing relationships with formal community-based organizations and leaders.
f. Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
g. Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab, Middle Eastern, Islamic, lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ), Black, Native American, immigrant, Jewish, Asian American, and Pacific Islander communities (Penal Code § 13519.6(b)(8)).
h. Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
i. Coordinating with the Training Manager to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
j. Verifying a process is in place to provide this policy and related orders to deputies in the field and taking reasonable steps to rectify the situation if such a process is not in place.
k. Taking reasonable steps to ensure hate crime data is provided to the Records Division for mandated reporting to the California Department of Justice.
    1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
l. Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Division Policy.
m. Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
n. Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
o. Annually assessing this policy, including:
    1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
    2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

322.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

a. Dissemination of correct information.
b. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
c. The ability to request information regarding the commission of the crimes from the victimized community.

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Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

322.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

322.4.1 INITIAL RESPONSE

First responding Deputies should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding Deputies should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, deputies should take preliminary actions reasonably deemed necessary, including but not limited to the following:

a. Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
b. Stabilize the victims and request medical attention when necessary.
c. Properly protect the safety of victims, witnesses, and perpetrators.
    1. Assist victims in seeking a Temporary Restraining Order (if applicable).
d. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
e. Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
f. Collect and photograph physical evidence or indicators of hate crimes such as:
    1. Hate literature.
    2. Spray paint cans.

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3. Threatening letters.
4. Symbols used by hate groups.

g. Identify criminal evidence on the victim.
h. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
i. Conduct a preliminary investigation and record pertinent information including but not limited to:
    1. Identity of suspected perpetrators.
    2. Identity of witnesses, including those no longer at the scene.
    3. The offer of victim confidentiality per Government Code § 7923.615.
    4. Prior occurrences in this area or with this victim.
    5. Statements made by suspects; exact wording is critical.
    6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
j. Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
k. Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
l. Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
m. Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
n. Document any suspected multi-mission extremist crimes.

322.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

a. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive /defensive, and mission (hard core).
b. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
c. Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
d. Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
e. Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
    1. Hate literature.
    2. Spray paint cans.
    3. Threatening letters.
    4. Symbols used by hate groups.
    5. Desecration of religious symbols, objects, or buildings.
f. Request the assistance of translators or interpreters when needed to establish effective communication.

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g. Conduct a preliminary investigation and record information regarding:
    1. Identity of suspected perpetrators.
    2. Identity of witnesses, including those no longer at the scene.
    3. Offer of victim confidentiality per Government Code § 7923.615.
    4. Prior occurrences, in this area or with this victim.
    5. Statements made by suspects; exact wording is critical.
    6. Document the victim's protected characteristics.
h. Provide victim assistance and follow-up.
i. Canvass the area for additional witnesses.
j. Examine suspect's social media activity for potential evidence of bias motivation.
k. Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
l. Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
m. Determine if the incident should be classified as a hate crime.
n. Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
    1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
    2. Provide ongoing information to victims about the status of the criminal investigation.
    3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
o. Document any suspected multi-mission extremist crimes.
p. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

322.4.3 SUPERVISION

The supervisor shall confer with the initial responding Deputy and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

a. Provide immediate assistance to the crime victim by:
    1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
    2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
    3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

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b. Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
c. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
d. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning a Deputy to specific locations that could become targets).
e. Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
f. Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
g. Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
h. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
i. Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
j. Make a final determination as to whether the incident should be classified as a hate crime and forward to the Sheriff for approval.

322.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation (Penal Code § 13519.6).

Training should include (Penal Code § 422.87):

a. Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
b. Accurate reporting by deputies, including information on the general underreporting of hate crimes.
c. Distribution of hate crime brochures.
d. When a gun violence restraining order may be appropriate for prevention of hate crimes (Penal Code § 13519.6).

322.6 APPENDIX

See attachments:

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf

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Supplemental Hate Crime Report.pdf

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Standards of Conduct

323.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Imperial County Sheriff's Office and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

323.2 POLICY

The continued employment or appointment of every member of the Imperial County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

323.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

323.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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323.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

a. Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
b. Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
c. Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
d. The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

323.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

323.4.1 PRISON RAPE ELIMINATION ACT DISCLOSURE

Members have a continuing affirmative duty to notify the Jail Administrator in writing if they have

(28 CFR 115.17; 15 CCR 3411):

(a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.

(b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

(c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

323.5 CAUSES FOR DISCIPLINE

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The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

323.5.1 LAWS, RULES AND ORDERS

a. Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or County manuals.
b. Disobedience of any legal directive or order issued by any department member of a higher rank.
c. Violation of federal, state, local or administrative laws, rules or regulations.

323.5.2 ETHICS

a. Using or disclosing one's status as a member of the Imperial County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non--department business or activity.
b. The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
c. The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
d. Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
e. Offer or acceptance of a bribe or gratuity.
f. Misappropriation or misuse of public funds, property, personnel or services.
g. Any other failure to abide by the standards of ethical conduct.

323.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

323.5.4 RELATIONSHIPS

a. Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
b. Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
c. Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

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d. Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
e. Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
f. Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

323.5.5 ATTENDANCE

a. Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
b. Unexcused or unauthorized absence or tardiness.
c. Excessive absenteeism or abuse of leave privileges.
d. Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

323.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

1. Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
    a. Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
2. Disclosing to any unauthorized person any active investigation information.
3. The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
4. Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
5. Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

323.5.7 EFFICIENCY

a. Neglect of duty.
b. Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
c. Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
d. Unauthorized sleeping during on-duty time or assignments.
e. Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
f. Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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323.5.8 PERFORMANCE

1. Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
2. The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
3. Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department -related business.
4. Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
5. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
6. Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
    a. While on department premises.
    b. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
    c. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
7. Improper political activity including:
    a. Unauthorized attendance while on-duty at official legislative or political sessions.
    b. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.
8. Engaging in political activities during assigned working hours except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.
9. Any act on- or off-duty that brings discredit to this department.

323.5.9 CONDUCT

a. Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
b. Unreasonable and unwarranted force to a person encountered or a person under arrest.
c. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
d. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
e. Engaging in horseplay that reasonably could result in injury or property damage.

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f. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the County.
g. Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
h. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
i. Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
j. Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
k. Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
l. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
m. Allowing contraband articles including but not limited to weapons, cellular telephones or other wireless devices, clothing, food, illegal drugs, or tobacco in any jail facility.
n. Receiving from an incarcerated person any articles to deliver outside the facility.
o. Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

323.5.10 SAFETY

a. Failure to observe or violating department safety standards or safe working practices.
b. Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
c. Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
d. Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
e. Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
f. Unsafe or improper driving habits or actions in the course of employment or appointment.
g. Any personal action contributing to a preventable traffic collision.
h. Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

323.5.11 INTOXICANTS

a. Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

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b. Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
c. Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

324.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Imperial County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

324.2 POLICY

It is the policy of the Imperial County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

324.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing

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history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

324.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Lieutenants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

324.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

324.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

324.4.3 INTERNET USE

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Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

324.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

324.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

324.5.1 IMPROPER USE OF CLETS

Each suspected incident of unauthorized or improper use of CLETS equipment or criminal justice information will be investigated as described by Imperial County Sheriff's Office Policy and Procedures.

Violations will result in disciplinary action consistent with Imperial County Sheriff's Office Policy and Procedures, which may include the employee's loss or limitations on use of equipment, disciplinary or adverse action, criminal

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penalties, and/or financial liability for the cost of improper use. (See also Penal Code 502, 11141-11143, 13302-13304, Government Code 6200 and California Vehicle Code 1805.45)

324.5.2 ELECTRONIC BACKUP AND RECOVERY

The Records Supervisor shall coordinate with IT staff on implementation and maintenance of backup and disaster recovery procedures to protect electronic records and information systems. This should include:

a. Ensuring department electronic records and information systems are backed up regularly on a dedicated server or system designed for that purpose.
b. Establishing a plan for data restoration and system recovery to be used in the event of data loss, cyberattacks, or other significant disruptions to department systems.
c. Establishing plans to ensure the integrity, confidentiality, and availability of data during emergencies, system failures, or other disruptive events.

324.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

324.7 POLICY REVIEW

The Sheriff, in collaboration with the IT staff, should review this policy annually and when there are major department technology changes, and make any appropriate updates to this policy to maintain the security of department computer systems.

324.8 TRAINING

The Training Manager, or the authorized designee, should ensure that department members receive initial cybersecurity awareness training within 30 days of system access, and annually thereafter.

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Report Preparation

325.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

325.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee’s opinions should not be included in reports unless specifically identified as such.

325.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

325.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

1. All arrests
2. All felony crimes
3. Non-Felony incidents involving threats or stalking behavior
4. Situations covered by separate policy. These include:
    1. Use of Force Policy
    2. Domestic Violence Policy
    3. Child Abuse Policy

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4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

5. All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

325.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

a. Anytime a deputy points a firearm at any person
b. Any use of force against any person by a member of this department (see the Use of Force Policy)
c. Any firearm discharge (see the Firearms Policy)
d. Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
e. Any found property or found evidence
f. Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
g. Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
h. All protective custody detentions
i. Suspicious incidents that may place the public or others at risk
j. Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

325.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling deputy should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

a. Sudden or accidental deaths.
b. Suicides.
c. Homicide or suspected homicide.
d. Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
e. Found dead bodies or body parts.

325.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

325.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

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a. The injury is a result of drug overdose
b. Attempted suicide
c. The injury is major/serious, whereas death could result
d. The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

325.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Division shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

325.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

1. Lost property.
2. Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
    1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
3. Misdemeanor vandalism with no suspect information and no hate crime implications.
4. Vehicle burglaries with no suspect information or evidence.
5. Stolen vehicle attempts with no suspect information or evidence.
6. Annoying telephone calls with no suspect information.
7. Identity theft without an identifiable suspect.
8. Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
9. Hit-and-run vehicle collisions with no suspect or suspect vehicle.
10. Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

325.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

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325.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

325.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

325.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should advise the deputy the reasons for rejection. The original report with corrections needed should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

325.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

325.6 SUPERVISOR'S RESPONSIBILITIES

a. Watch Commanders/supervisors shall ensure in-custody reports are completed immediately by the reporting Deputy.
b. Watch Commanders/supervisors shall promptly review and return to the reporting Deputy for correction, any reports they receive for approval.
c. Upon approval of a Deputy's report the Watch Commander shall;
    1. See that the report is complete with all required supplemental reports and forms (e.g. rap sheets, DMV printouts, CHP-180's)
    2. Is placed in the appropriate location for transportation to either South County Investigations or the Brawley Sub Station.
    3. Ensure the report narrative is "locked-out" in Spillman
d. Ensure that copies of CHP-180's (Storage/Impound forms) are immediately delivered (faxed) to the Records Division.
e. Watch Commanders/supervisors shall ensure that Deputies complete their reports prior to the end of their shifts, unless the watch commander/supervisor has authorized a delay in completing the report.

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325.7 USE OF ARTIFICIAL INTELLIGENCE IN PREPARATION OF REPORTS

Official reports that are generated using artificial intelligence (AI) either fully or partially shall contain the following (Penal Code § 13663)

a. On each page of an official report, or within the body of the text, identify every specific AI program used in a manner that makes such identification readily apparent to the reader and prominently state the following: "This report was written either fully or in part using artificial intelligence."
b. The signature of the member who is preparing the official report, either in physical or electronic form, verifying that they reviewed the contents of the report and that the facts contained in the official report are true and correct. Except for the official report, a draft of any report created with the use of AI shall not constitute a member's statement.

For purposes of this section artificial intelligence means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. AI as used in this section applies to AI systems that automatically draft police report narratives based upon an analysis of in-car or dash-mounted cameras, or body-worn camera audio or video, and AI systems that analyze a law enforcement officer's dictated report to generate a police report narrative automatically enhanced by generative AI (Penal Code § 13663).

See the Generative Artificial Intelligence Use policy for additional guidance on generative AI.

325.7.1 ARTIFICIAL INTELLIGENCE AUDIT TRAIL

The Department shall maintain an audit trail for AI generated first drafts or official reports for as long as the official report is retained that, at a minimum, identifies both of the following (Penal Code § 13663):

a. The name of the person who used AI to create the report.
b. The video and audio footage that is used to create a report, if any.

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Media Relations

326.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

326.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. In situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Chief Deputies, Lieutenants, and designated Press Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

326.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

a. The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
b. Media representatives may be prevented from interfering with emergency operations and criminal investigations.
    1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
c. No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
d. Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

326.3.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

326.3.2 TEMPORARY FLIGHT RESTRICTIONS

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Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Duty Officer. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

326.4 POLICY

It is the policy of the Imperial County Sheriff's Office to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

326.5 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

326.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

a. At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
b. In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
c. Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

326.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

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326.7.1 EMPLOYEE INFORMATION

The identities of deputies involved in shootings or other critical incidents may only be released to the media upon the consent of the involved deputy or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of deputies involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Chief Deputy or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

326.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

326.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

a. The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
b. The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
c. The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

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Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

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Court Appearance And Subpoenas

327.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Imperial County Sheriff's Office to cover any related work absences and keep the Department informed about relevant legal matters.

327.2 POLICY

Imperial County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

327.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the deputy or by delivery of two copies of the subpoena to the deputy's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to a deputy to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

a. He/she knows that he/she will be unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena.
b. It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

327.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

a. Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
b. Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

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c. Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
d. Any civil action stemming from the member’s on-duty activity or because of his/her association with the Imperial County Sheriff's Office.
e. Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Imperial County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

327.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member’s compensation through the civil attorney of record who subpoenaed the member.

327.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

327.3.4 DECLINING A SUBPOENA

Upon being personally served a civil subpoena all Sheriff's Office employees shall decline any subpoena that is not accompanied with a check covering the statutory fees.

It is recommended that if an employee is being served a civil subpoena the employee will direct the civil process server to complete the service through the Civil Division to ensure the legal requirements have been followed.

327.3.5 REPORTING TO THE COUNTY COUNSEL'S OFFICE

Upon being served a civil subpoena all Sheriff's Office employees shall immediately or on the next business day contact the County Counsel's Office and report the receipt of the Civil Subpoena and shall cooperate completely with the Deputy County Counsel reviewing the circumstances of the subpoena.

327.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

327.5 STANDBY

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To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

327.6 COURTROOM PROTOCOL

When appearing in court, members shall:

a. Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
b. Dress in the department uniform or business attire.
c. Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

327.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

327.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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Reserve Deputies

328.1 PURPOSE AND SCOPE

The Imperial County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit provides professional, sworn volunteer reserve deputies who can augment regular staffing levels.

328.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Imperial County Sheriff's Office shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

328.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular sheriff's deputies before appointment.

Before appointment to the Sheriff's Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

328.2.2 APPOINTMENT

Applicants who are selected for appointment to the Sheriff's Reserve Unit shall, on the recommendation of the Sheriff , be sworn in by the Sheriff and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

328.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

Compensation for reserve deputies is provided as follows:

All reserve deputy appointees are issued safety equipment. All property issued to the reserve deputy shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform allowance one half of the uniform allowance of regular deputies.

328.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of this department, when authorized, may also serve as reserve deputies. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

328.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Operations Division. Reserve deputies

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may be assigned to other areas within the Department as needed. Reserve deputies are required to work a minimum of 16 hours per month.

328.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

328.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

328.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

a. Assignment of reserve personnel
b. Conducting reserve meetings
c. Establishing and maintaining a reserve call-out roster
d. Maintaining and ensuring performance evaluations are completed
e. Monitoring individual reserve deputy performance
f. Monitoring overall Reserve Program
g. Maintaining liaison with other agency Reserve Coordinators

328.3.4 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator or his/her designee. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

328.3.5 EMERGENCY CALLOUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency callout procedure for reserve personnel.

328.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve deputies, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

328.4.1 TRAINING OFFICERS

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Deputies of this department, who demonstrate a desire and ability to train reserve deputies, may train the reserves during Phase II, subject to Lieutenant approval.

328.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve deputies will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve deputy will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

328.4.3 FIELD TRAINING MANUAL

Each new reserve deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Imperial County Sheriff's Office. The reserve deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

328.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve deputy in training.

If the reserve deputy has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

328.4.5 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve deputy has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve deputy may now be assigned to ride with any deputy for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

328.5 SUPERVISION OF RESERVE DEPUTIES

Reserve deputies who have attained the status of Level II shall be under the immediate supervision of a regular sworn deputy (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve deputies who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Lieutenant.

328.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve deputies certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Chief Deputy, be relieved of the "immediate supervision" requirement. Level I reserve deputies may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

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In the absence of the Reserve Coordinator and the Division Lieutenant, the Sergeant may assign a certified Level I reserve deputy to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

328.5.2 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

328.5.3 IDENTIFICATION OF RESERVE DEPUTIES

All reserve deputies will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

328.5.4 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this department.

328.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Undersheriff.

Reserve deputies are considered at-will employees. Government Code § 3300 et seq. applies to reserve deputies with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

328.5.6 RESERVE DEPUTY EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

328.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve deputy as having peace officer powers during his/her assigned tour of duty, provided the reserve deputy qualifies or falls within the provisions of Penal Code § 832.6.

328.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve deputies to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

328.6.2 CONCEALED FIREARMS PROHIBITED

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No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid CCW permit. An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

When a reserve deputy has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Sheriff with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve deputy's qualification will be individually judged. A reserve deputy's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve deputy remains in good standing as a Reserve Deputy with the Imperial County Sheriff's Office.

328.6.3 RESERVE DEPUTY FIREARM TRAINING

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

a. All reserve deputies are required to qualify at least every other month
b. Reserve deputies may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator
c. Should a reserve deputy fail to qualify over a two-month period, that reserve deputy will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

328.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

328.8 POLICY

The Imperial County Sheriff's Office shall ensure that reserve deputies are properly appointed, trained, and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

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328.9 POST-MANDATED TRAINING

The Training Manager shall ensure that reserve deputies are tested and evaluated for Peace Officer Standards and Training (POST)-mandated training with the same frequency and in the same manner as regular full-time deputies performing like functions.

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Field Training Deputy

329.1 PURPOSE AND SCOPE

The Imperial County Sheriff's Office recognizes the critical function of the Field Training Deputy Program. As a result, this agency has adopted criteria for the selection and retention of qualified individual to provide training to new deputies.

329.2 GUIDELINES

The following guidelines are provided for the qualities, selection and retention of Field Training Deputies.

329.2.1 QUALIFICATIONS

a. Minimum of two years experience in assigned patrol.

b. Recommendation of their immediate supervisor and division commander.

c. No sustained internal affairs investigation, or disciplinary action within the past two years.

329.2.2 DESIRED QUALITIES

a. Candidates should have and maintain an exemplary record with this department.

b. Candidates should be thoroughly committed to the goals, objectives, and philosophies of departmental programs.

c. Candidates should be self-motivated, sensitive to public concerns, interested in people and looking for self-improvement.

d. Candidates should maintain above average performance in department training activities.

e. Candidates should function in a skillful, productive and professional manner while performing their duties as a Field Training Deputy. Candidates should be committed to this training program.

329.2.3 REMOVAL FROM FIELD TRAINING DEPUTY STATUS

a. Violation of or failure to comply with any of the terms or conditions specified above.

b. Reassignment to a non-patrol division

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c. Written request from the Field Training Deputy to discontinue their status as a training deputy. This is not automatic, and the request will be considered based on the needs of the department, and availability of other Field Training Deputies.

d. As specified in Policy Manual §351.25.

e. At the direction of the Lieutenant overseeing the Field Training Program.

329.2.4 SELECTION

a. The Staff will meet and discuss the merits of the prospective training deputies, and then make a recommendation to the Undersheriff.

b. The Sheriff will receive recommendations from the Undersheriff. After evaluating the recommendation of the Undersheriff, the Sheriff will appoint the Field Training Deputy.

329.2.5 LENGTH OF ASSIGNMENT

Field training deputies shall be assigned for a period of two years. Upon completion of each two year period, the deputy must submit in writing to the Field Training Deputy Coordinator, his/her desire to continue as a field training deputy. Upon receipt of the written request from the deputy the Sheriff's Office will accept or deny the request.

329.3 PERFORMANCE REVIEW

The Field Training Program Supervisor, at the conclusion of each training phase, will evaluate the Field Training Deputy assigned a trainee to determine the quality of instruction received by the trainee. Trainees will also have the opportunity to evaluate their Field Training Deputy.

The Field Training Program supervisor, the Lieutenant in charge of Field Training Deputies (typically the patrol Lieutenant), and the Sheriff will meet and evaluate each Field Training Deputy annually.

329.4 TRAINING

Deputies selected to become a Field Training Deputy will attend the POST required course. Deputies may attend the POST course prior to their meeting the two-year requirement. Deputies must have successfully completed their probation, and have a minimum of two years experience as a deputy sheriff.

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Outside Agency Assistance

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

330.2 POLICY

It is the policy of the Imperial County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

330.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander’s office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

330.3.1 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Imperial County Sheriff's Office shall notify his/her supervisor or the Watch Commander and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

330.4 REQUESTING OUTSIDE ASSISTANCE

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If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

330.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

330.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative and Support Services Division Chief or the authorized designee.

The documentation should include:

1. The conditions relative to sharing.
2. The training requirements for:
    1. The use of the supplies and equipment.
    2. The members trained in the use of the supplies and equipment.
3. Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Deputy should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

331.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Imperial County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the [Department/Office] will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

331.2 POLICY

It is the policy of the Imperial County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

331.3 REGISTRATION

The Investigation Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

331.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

331.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

a. Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
b. Review of information on the California DOJ website for sex offenders.
c. Contact with a registrant’s parole or probation officer.

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Any discrepancies should be reported to the California DOJ.

The Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Imperial County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

331.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Imperial County Sheriff's Office's website. Information on sex registrants placed on the Imperial County Sheriff's Office's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

331.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

a. The offender’s full name
b. The offender’s known aliases
c. The offender’s sex
d. The offender’s race
e. The offender’s physical description
f. The offender’s photograph
g. The offender’s date of birth
h. Crimes resulting in the registration of the offender under Penal Code § 290
i. The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

331.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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a. The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
b. The information is provided as a public service and may not be current or accurate.
c. Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
d. The crime for which a person is convicted may not accurately reflect the level of risk.
e. Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
f. The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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Major Incident Notification

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

332.2 POLICY

The Imperial County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

332.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Chief. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Imperial County official
- Arrest of a department employee or prominent Imperial County official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

332.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

332.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Sheriff shall be notified along with the affected Division Chief and the Detective Lieutenant if that division is affected.

332.4.2 INVESTIGATION NOTIFICATION

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If the incident requires an investigator respond from home, Communications will then contact the appropriate on call investigator.

332.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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Death Investigation

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent, and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

333.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigations Sergeant as necessary. The Sergeant or OIC will make notification to command staff in accordance with the Major Incident Notification Policy.

333.2.1 CORONER REQUEST

Government Code § 27491 and Health and Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner, and cause of certain deaths. The Coroner shall be called in any of the following cases:

a. Unattended deaths (No physician in attendance or during the continued absence of the attending physician. This also includes all deaths outside hospitals and nursing care facilities.)
b. Deaths where the deceased has not been attended by either a physician or a registered nurse who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746, in the 20 days prior to death
c. Deaths where the physician is unable to state the cause of death. Unwillingness does not apply. This includes all sudden, unexpected, and unusual deaths, and fetal deaths when the underlying cause is unknown.
d. Known or suspected homicide
e. Known or suspected suicide (including suicide where the deceased has a history of being victimized by domestic violence)
f. Deaths involving any criminal action or suspicion of a criminal act. This includes child and dependent adult negligence and abuse.
g. Deaths related to or following known or suspected self-induced or criminal abortion
h. Deaths associated with a known or alleged rape or crime against nature
i. Deaths following an accident or injury (primary or contributory). This includes deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

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j. Deaths from drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation, or aspiration
k. Deaths from accidental poisoning (e.g., food, chemical, drug, therapeutic agents)
l. Deaths from occupational diseases or occupational hazards
m. Deaths from known or suspected contagious disease and constituting a public hazard
n. All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room, or elsewhere
o. Deaths that occur in prison or while under sentence. This includes all in-custody and law enforcement involved deaths.
p. All deaths of unidentified persons
q. All deaths of state hospital patients
r. Suspected Sudden Infant Death Syndrome (SIDS) deaths
s. All deaths where the patient is comatose throughout the period of the physician's attendance. This includes patients that are admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the Coroner.

333.2.2 SEARCHING DEAD BODIES

a. The Coroner or a designee is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that a deputy is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card. If such a donor card is located, the Coroner or a designee shall be promptly notified (Government Code § 27491.3).
b. The Coroner, with the permission of the Department, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (Government Code § 27491.3).
c. Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Coroner or a designee, the investigating deputy should first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).
d. Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report.
e. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

333.2.3 REPORTING

All incidents involving a death shall be documented on the appropriate form.

333.2.4 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene. The Investigations Unit shall be notified to determine the possible need for an investigator to respond to the scene.

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If the on-scene supervisor, through consultation with the Sergeant or Investigations Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

333.2.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to a death, serious illness, or serious injury and determines that it has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

333.2.6 PROPERTY POLICY

Upon conducting a death investigation the Coroner Investigator shall examine the decedent's property and identify any "high value" item of personal property that could be easily pilfered. Upon identifying these items the Coroner Investigator shall either take possession of the items or properly secure them.

a. If the items are located in a residence or a vehicle the Coroner Investigator shall ensure that the residence or vehicle is properly secured to safeguard the property.
    1. Upon contacting the decedent's next-of-kin the Coroner Investigator shall advise this person of the presence of the personal property and request the property be safeguarded.
    2. If the Coroner Investigator isn't able to immediately identify/notify the decedent's next-of-kin the Investigator shall immediately notify the Public Administrators Office of the presence of the property and the location of the property.
b. If the item(s) are taken into the possession of the Coroner's Office the property shall be secured in the Coroner's Office safe or if the items are too large for this safe they shall be placed into the Sheriff's Office evidence locker.
    1. Upon contacting the decedent's next-of-kin Coroner Investigator will advise this person of the location of the decedent's personal property and request that the items be claimed immediately.
    2. If the next-of-kin is unable/refuses to claim the items or a next-of-kin is not identified the property shall be released to the Public Administrators Office.
c. If the decedent appears to be indigent and the Public Administrators Office is assuming the responsibility for the burial of the decedent, all of the decedent's property being retained by the Coroner's Office shall be released to the Public Administrators Office.

333.2.7 DEATHS OF VICTIMS WITH AN IDENTIFIABLE HISTORY OF VICTIMIZED DOMESTIC VIOLENCE

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Prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence, investigating deputies should consider factors identified in Penal Code § 679.07 (e.g., premature or untimely death, partner wanting to end relationship, scene gives appearance of death due to suicide or accident) and proceed with the investigation according to the code's requirements.

333.3 X-RAYING OF REMAINS

Deputy Coroners shall take all necessary x-rays prior to post mortem examination.

333.3.1 PROCEDURE

A complete copy of the California Code of Regulations, Title 17, shall be maintained within the facility.

A copy of the Radiation Safety Instructions (CCR, Title 17) shall be given to each employee and discussed with them. A copy shall also be posted in the facility. The discussion shall be documented on a training roster and kept on file at the Coroner's Office.

The "Notice to Employees" Standards for Protection Against Radiation (form RH2364 from the Department of Health Services) shall be posted in the facility.

333.3.2 SAFETY

When x-rays are taken, every care and precaution shall be taken to ensure safety.

a) Forensic staff will wear their lead apron and thyroid collar when taking x-rays.

b) Forensic staff shall wear their dosimetry badges when taking x-rays.

c) When not in use, dosimetry badges will be left in the office attached to the board. They are not to be worn outside or taken home.

d) While taking x-rays, staff will use the remote exposure button and stand at a reasonable distance away from the x-ray machine.

e) X-rays are to be taken through the removal pouch when feasible.

f) Pregnant staff or suspected pregnant staff will not conduct any x-rays. They will defer the x-rays to a non-pregnant staff member.

333.3.3 CASES TO BE X-RAYED

The following cases should have full body x-rays:

a) Homicides.

b) Severely burned.

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c) All children two years of age and under.

d) Unidentified decedents who are being released to the Public Administrator's Office.

The following cases should have limited area specific x-rays:

a) All pedestrians struck by motor vehicle shall have x-rays taken of the pelvis and lower extremities.

b) Gunshot wound victims by suicide or accident may have limited x-rays taken such as just the head or chest /abdomen as determined by the Deputy Coroner or Forensic Pathologist.

Other cases that require full body or limited x-rays are done at the discretion and request of the Deputy Coroner or Forensic Pathologist such as unidentified remains or massive trauma.

333.4 POLICY

It is the policy of the Imperial County Sheriff's Office to respond to, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including deaths from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

333.5 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling deputy will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

333.6 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

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Identity Theft

334.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

334.2 REPORTING

a. In an effort to maintain uniformity in reporting, deputies presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:

    1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

b. While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

c. Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

d. Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

e. The reporting deputy should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

f. Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Private Persons Arrests

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

335.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all deputies shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, deputies should use sound discretion in determining whether or not to advise an individual of the arrest process.

a. When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

b. Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

335.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

a. For a public offense committed or attempted in his or her presence;

b. When the person arrested has committed a felony, although not in his or her presence;

c. When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

335.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

a. Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

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1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The deputy must include the basis of such a determination in a related report.

2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

b. Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:

1. Take the individual into physical custody for booking

2. Release the individual pursuant to a Notice to Appear

3. Release the individual pursuant to Penal Code § 849

335.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

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Limited English Proficiency Services

336.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

336.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Imperial County Sheriff's Office, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

336.2 POLICY

It is the policy of the Imperial County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

336.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Chief or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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a. Coordinating and implementing all aspects of the Imperial County Sheriff's Office’s LEP services to LEP individuals.

b. Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

c. Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:

    1. Languages spoken

    2. Contact information

    3. Availability

d. Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

e. Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

f. Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

g. Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

h. Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

i. Receiving and responding to complaints regarding department LEP services.

j. Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

336.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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a. The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

b. The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

c. The nature and importance of the contact, program, information or service provided.

d. The cost of providing LEP assistance and the resources available.

336.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

336.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

The Imperial County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to hire and develop in-house language capacity in Dispatch by hiring qualified personnel with specific language skills.

336.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in § 368.3 to provide appropriate language assistance.

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Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

336.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

336.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

336.4.6 COMPLAINTS

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The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

336.5 TYPES OF LEP ASSISTANCE AVAILABLE

Imperial County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

336.5.1 AUDIO RECORDINGS

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

336.6 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

a. The competence and ability to communicate information accurately in both English and in the target language.

b. Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

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c. The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

d. Knowledge of the ethical issues involved when acting as a language conduit.

336.6.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

336.6.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

336.7 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members

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should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

336.8 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Imperial County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

336.8.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller’s language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

336.9 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

336.10 INVESTIGATIVE FIELD INTERVIEWS

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In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

336.11 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

336.12 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

336.13 COMPLAINTS

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The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

336.14 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

336.15 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Deputy shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Deputy shall maintain records of all LEP training provided, and will retain a copy in each member’s training file in accordance with established records retention schedules.

336.15.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Deputy shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Anti-Reproductive Rights Crimes Reporting

337.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

337.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

a. By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant

b. By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant

c. Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

337.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

a. Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
b. The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Lieutenant.
c. By the tenth day of each month, it shall be the responsibility of the Investigation Lieutenant to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
    1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
    2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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Mandatory Employer Notification

338.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

338.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Sheriff or his/her designee is required to report the arrest as follows.

338.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054 (d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

338.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

338.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054 (d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

338.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290

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or in Penal Code § 261(a)(1), the Sheriff or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor’s Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

338.3 POLICY

The Imperial County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

338.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

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Communications with Persons with Disabilities

339.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

339.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

339.2 POLICY

It is the policy of the Imperial County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

339.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Chief Deputy or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

a. Working with the County ADA coordinator regarding the Imperial County Sheriff's Office’s efforts to ensure equal access to services, programs and activities.
b. Developing reports, new procedures, or recommending modifications to this policy.

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c. Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
d. Ensuring that a list of qualified interpreter services is maintained and available to each sergeant and dispatch supervisor. The list should include information regarding the following:
    1. Contact information
    2. Availability
e. Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
f. Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
g. Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

339.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

a. Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

b. The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

c. The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

d. The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

339.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual’s choice of auxiliary aid or service.

The individual’s preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

a. The methods of communication usually used by the individual.
b. The nature, length and complexity of the communication involved.
c. The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Imperial County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

339.6 TYPES OF ASSISTANCE AVAILABLE

Imperial County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

339.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

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339.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

a. Available within a reasonable amount of time but in no event longer than one hour if requested.

b. Experienced in providing interpretation services related to law enforcement matters.

c. Familiar with the use of VRS and/or video remote interpreting services.

d. Certified in either American Sign Language (ASL) or Signed English (SE).

e. Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

f. Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

339.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

339.10 COMMUNITY VOLUNTEERS

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Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

339.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

a. There is an emergency or critical situation and there is no qualified interpreter reasonably available.

b. The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

339.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual’s express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

339.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual’s preferred

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method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

339.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

a. Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

b. Exchange of written notes or communications.

c. Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

d. Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

e. Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

339.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

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339.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

339.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

339.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

339.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

a. Awareness and understanding of this policy and related procedures, related forms and available resources.
b. Procedures for accessing qualified interpreters and other available resources.
c. Working with in-person and telephone interpreters and related equipment.

The training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once

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every two years thereafter. The training Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

339.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

a. The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
b. ASL syntax and accepted abbreviations.
c. Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
d. Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all dispatchers who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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Biological Samples

340.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

340.2 POLICY

The Imperial County Sheriff's Office will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

340.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

a. A person, including a juvenile, upon conviction or other adjudication of any felony offense.
b. A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
c. An adult arrested or charged with any felony.

340.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

340.4.1 COLLECTION

The following steps should be taken to collect a sample:

a. Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
b. Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
c. Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

340.5 USE OF FORCE TO OBTAIN SAMPLES

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If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

a. The person's parole or probation officer when applicable.
b. The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
c. The judge at the person's next court appearance.
d. The person's attorney.
e. A chaplain.
f. Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
g. A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

340.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

340.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the [Department/Office] for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

340.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

340.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

340.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

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a. The California DOJ requests a blood sample and the subject consents, or
b. A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

340.6.3 LITIGATION

The Sheriff or authorized designee should notify the California DOJ's DNA Legal Unit in the event this [department /office] is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state' s DNA Data Bank Program.

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Chaplains

341.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Imperial County Sheriff's Office chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

341.2 POLICY

The Imperial County Sheriff's Office shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

341.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

a. Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
b. Managing their households, families and personal affairs well.
c. Having a good reputation in the community.
d. Successful completion of an appropriate-level background investigation.
e. A minimum of five years of successful counseling experience.
f. Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

341.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Imperial County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

341.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

a. Submit the appropriate written application.
b. Include a recommendation from employers or volunteer programs.
c. Interview with the Sheriff and the chaplain coordinator.
d. Successfully complete an appropriate-level background investigation.
e. Complete an appropriate probationary period as designated by the Sheriff.

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Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

341.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Imperial County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Imperial County Sheriff's Office identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

341.6 CHAPLAIN COORDINATOR

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative and Support Services Division Chief or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

a. Recruiting, selecting and training qualified chaplains.
b. Conducting chaplain meetings.
c. Establishing and maintaining a chaplain callout roster.
d. Maintaining records for each chaplain.
e. Tracking and evaluating the contribution of chaplains.
f. Maintaining a record of chaplain schedules and work hours.
g. Completing and disseminating, as appropriate, all necessary paperwork and information.
h. Planning periodic recognition events.
i. Maintaining liaison with other agency chaplain coordinators.

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An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

341.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division . Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person’s intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Imperial County Sheriff's Office.

341.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

341.7.2 OPERATIONAL GUIDELINES

a. Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
b. Generally, each chaplain will serve with Imperial County Sheriff's Office personnel a minimum of eight hours per month.
c. At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Sheriff or the authorized designee.
d. Chaplains shall be permitted to ride with deputies during any shift and observe Imperial County Sheriff's Office operations, provided the Watch Commander has been notified and has approved the activity.
e. Chaplains shall not be evaluators of members of the Department.
f. In responding to incidents, a chaplain shall never function as a deputy.
g. When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
h. Chaplains shall serve only within the jurisdiction of the Imperial County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.
i. Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

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341.7.3 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

a. Assisting members in the diffusion of a conflict or incident, when requested.
b. Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.
c. Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
d. Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
e. Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
f. Participating in in-service training classes.
g. Willingness to train others to enhance the effectiveness of the Department.

341.7.4 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

a. Fostering familiarity with the role of law enforcement in the community.
b. Providing an additional link between the community, other chaplain coordinators and the Department.
c. Providing liaison with various civic, business and religious organizations.
d. Promptly facilitating requests for representatives or leaders of various denominations.
e. Assisting the community in any other function as needed or requested.
f. Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

341.7.5 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

341.7.6 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

a. Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
b. Visiting sick or injured members in the hospital or at home.
c. Attending and participating, when requested, in funerals of active or retired members.
d. Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
e. Providing counseling and support for members and their families.

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f. Being alert to the needs of members and their families.

341.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Imperial County Sheriff's Office in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Imperial County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

341.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Deputy, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death
- Sensitivity and diversity

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Public Safety Video Surveillance System

342.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of [department/office] public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the [Department /Office]. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the [Department/Office].

342.2 POLICY

The Imperial County Sheriff's Office operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the County to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist County officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

342.3 OPERATIONAL GUIDELINES

Only [department/office]-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Sheriff or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

342.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Sheriff should confer with other affected County divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation, or other obstructions, should also be evaluated when determining placement.

The cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public video surveillance system may be useful for the following purposes:

a. To prevent, deter, and identify criminal activity.
b. To target identified areas of gang and narcotics complaints or activity.
c. To respond to critical incidents.

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d. To assist in identifying, apprehending, and prosecuting offenders.
e. To document deputy and offender conduct during interactions to safeguard the rights of the public and deputies.
f. To augment resources in a cost-effective manner.
g. To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Watch Commander’s office and Dispatch. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding deputies in a timely manner. The Watch Commander or trained personnel in Dispatch are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Sheriff may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than sheriff's personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention is prohibited.

342.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under sheriff's surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

342.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The [Department/Office] may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of [department/office] strategy.

The [Department/Office] should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

342.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within [department/office] policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

342.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

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a. Date and time access was given.
b. Name and agency of the person being given access to the images.
c. Name of person authorizing access.
d. Identifiable portion of images viewed.

342.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

342.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule and for a minimum of one year. Prior to destruction, written consent shall be obtained from the County Counsel. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

342.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

342.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Imperial County Sheriff's Office.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for [department/office] public records.

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Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established [department/office] subpoena process.

342.7 VIDEO SURVEILLANCE AUDIT

The Sheriff or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Sheriff or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

342.8 TRAINING

All [department/office] members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

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Child and Dependent Adult Safety

343.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this [department/office] (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

343.2 POLICY

It is the policy of this [department/office] to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Imperial County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

343.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

a. Inquire about and confirm the location of any children or dependent adults.

b. Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

c. Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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343.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

1. Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
    1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
2. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
    1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
3. Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
4. Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
5. Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee' s dependent. The result of such actions should be documented in the associated report.

343.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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343.3.3 REPORTING

a. For all arrests where children are present or living in the household, the reporting member will document the following information:

    1. Name
    2. Sex
    3. Age
    4. Special needs (e.g., medical, mental health)
    5. How, where and with whom or which agency the child was placed
    6. Identities and contact information for other potential caregivers
    7. Notifications made to other adults (e.g., schools, relatives)

b. For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

    1. Name
    2. Sex
    3. Age
    4. Whether he/she reasonably appears able to care for him/herself
    5. Disposition or placement information if he/she is unable to care for him/herself

343.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

343.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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343.5 TRAINING

The Training Deputy is responsible to ensure that all personnel of this [department/office] who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

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Volunteer Program

344.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

344.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Cadet Post, among others.

344.2 VOLUNTEER MANAGEMENT

344.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Undersheriff. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

a. Recruiting, selecting and training qualified volunteers for various positions.
b. Facilitating the implementation of new volunteer activities and assignments.
c. Maintaining records for each volunteer.
d. Tracking and evaluating the contribution of volunteers.
e. Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
f. Maintaining a record of volunteer schedules and work hours.
g. Completion and dissemination as appropriate of all necessary paperwork and information.
h. Planning periodic recognition events.
i. Administering discipline when warranted.
j. Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

344.2.2 RECRUITMENT

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Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

344.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include but not limited to the following:

a. Local, state, and national criminal history background check. Fingerprints shall be obtained from all applicants and submitted to the California Department of Justice (Penal Code § 11105.05; Penal Code § 11105.002).
b. Traffic history check
c. Employment
d. References
e. Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

344.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

344.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

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Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

344.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

a. Driver license
b. Medical condition
c. Arrests
d. Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

344.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

344.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

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A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

a. Take the time to introduce volunteers to employees on all levels.
b. Ensure volunteers have work space and necessary office supplies.
c. Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

344.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

344.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

344.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

a. A driving safety briefing and department approved driver safety course.
b. Verification that the volunteer possesses a valid California Driver License.
c. Verification that the volunteer carries current vehicle insurance.

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The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

344.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

344.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

344.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

344.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

344.8 POLICY

The Imperial County Sheriff's Office shall ensure that volunteers are properly appointed, trained, and supervised to carry out specified tasks and duties in order to create an efficient department and improve services to the community.

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Department Use of Social Media

345.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

345.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

345.2 POLICY

The Imperial County Sheriff's Office may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

345.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

345.4 AUTHORIZED CONTENT

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Only content that is appropriate for public release, that supports the department mission and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

a. Announcements.
b. Tips and information related to crime prevention.
c. Investigative requests for information.
d. Requests that ask the community to engage in projects that are relevant to the department mission.
e. Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
f. Traffic information.
g. Media releases.
h. Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

345.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the PIO or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

345.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

a. Content that is abusive, discriminatory, inflammatory or sexually explicit.
b. Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
c. Any information that could compromise an ongoing investigation.
d. Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Imperial County Sheriff's Office or its members.
e. Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
f. Any content posted for personal use.
g. Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

345.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

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The Department may provide a method for members of the public to contact department members directly.

345.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues. The same supervisor should review the department social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

345.7 RETENTION OF RECORDS

The Chief Deputy should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

345.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Native American Graves Protection and Repatriation

346.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

346.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

346.2 POLICY

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It is the policy of the Imperial County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

346.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

346.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

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Gun Violence Restraining Orders

347.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

347.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

347.2 POLICY

It is the policy of the Imperial County Sheriff's Office to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

347.3 GUN VIOLENCE RESTRAINING ORDERS

A deputy who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the deputy's supervisor to petition the court for a gun violence restraining order.

Deputies petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, a deputy may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

347.3.1 ADDITIONAL CONSIDERATIONS

Deputies should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

a. When responding to a residence that is associated with a firearm registration or record.
b. When responding to any call or incident when a firearm is present or when one of the involved parties owns, possesses, or expresses an intent to acquire a firearm.

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c. During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions, if that person owns or possesses a firearm.

Deputies should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themself or another person by having custody or control of a firearm or expresses intent to obtain a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

347.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

A deputy serving any gun violence restraining order shall:

a. Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
b. Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
c. Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
d. Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
e. Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
f. As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The deputy should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

347.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

A deputy requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

a. For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
b. Serve the order on the restrained person if the person can be reasonably located.
c. Forward a copy of the order to the Records Supervisor for filing with the court and appropriate databases.

347.5 SEARCH WARRANTS

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If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

1. The deputy serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
2. If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
    1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
    2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
3. If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the deputy shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

347.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

a. Proof of service of any gun violence restraining order served by a deputy or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by a deputy, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
b. Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
c. Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
d. Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
e. Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

347.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

a. Record the individual’s name, address and telephone number.
b. Record the serial number of the firearm.
c. Prepare an incident report and property report.
d. Provide a property receipt to the individual who surrendered the firearms and ammunition.

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e. Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

347.8 STORAGE AND RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be stored in accordance with the Property and Evidence Policy.

Firearms and ammunition shall be returned to the restrained person upon the expiration of the order in accordance with Penal Code § 18120 and the Property and Evidence Policy (Penal Code § 18108).

347.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Sheriff will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

a. Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
    1. A temporary emergency gun violence restraining order.
    2. An ex parte gun violence restraining order.
    3. A gun violence restraining order issued after notice and hearing.
    4. Renewal orders.
b. Developing and maintaining factors to consider when assessing the need to seek an order, including (Penal Code § 18108; Penal Code § 18155):
    1. Whether threats have been made, and if so, whether the threats are credible and specific.
    2. Whether the potential victim is within close proximity.
    3. Whether the person has expressed suicidal tendencies.
    4. Whether the person has access to firearms.
    5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
    6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
    7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
    8. Whether the person has any history of drug or alcohol abuse.
c. Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
    1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
    2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
    3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
    4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.

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5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order (Penal Code § 18108).

d. Coordinating with the Training Manager to provide deputies who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
e. Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
f. Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
    1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
g. Coordinating review of notices of court hearings and providing notice to the appropriate deputy of the hearing date and the responsibility to appear and participate in the evidence presentation process (Penal Code § 18108).
h. Coordinating with the Training Manager to ensure deputies remain current with the following (Penal Code § 18108):
    1. Types of evidence a court considers when determining whether grounds exist for the issuance of a gun violence restraining order as provided in Penal Code § 18155 (Grounds for gun violence restraining order; examination by court).
    2. The different procedures and protections afforded by different types of firearm-prohibiting emergency protective orders that are available to law enforcement petitioners.
i. Establishing standards and procedures for addressing violations of a gun violence restraining order (Penal Code § 18108).
j. Establishing procedures for deputies to provide information about mental health referral services during contact with persons exhibiting mental health issues (Penal Code § 18108).

347.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigations Unit supervisor is responsible for the review of a gun violence restraining order (including temporary or ex parte orders) obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

347.11 POLICY AVAILABILITY

The Sheriff or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

347.12 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

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BolaWrap

348.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of BolaWrap devices.

348.2 POLICY

The BolaWrap is an electronically controlled handheld device which discharges a 7 foot 6 inch kevlar cord to entangle an individual at a range of 10 to 25 feet. The BolaWrap device is intended to be used as an early intervention tool to avoid or reduce force used on non-compliant individuals, while minimizing the risk of serious injury.

348.3 ISSUANCE AND CARRYING OF BOLAWRAP DEVICES

Only deputies who have successfully completed department approved training may utilize the BolaWrap device.

BolaWrap devices are to be checked out daily by the sergeants on duty.

Deputies shall only use the BolaWrap device and cassettes that have been issued by the department. Trained deputies shall carry the device in an approved holster on their person or in their patrol unit. Deputies should carry the BolaWrap in a support side holster opposite their duty weapon or in a pouch on their load bearing vest.

Deputies carrying the BolaWrap should perform a pre shift inspection of the device at the beginning of each shift.

a. All BolaWrap devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
b. Whenever practicable, sergeants should carry two cassettes when carrying th BolaWrap device.
c. Deputies shall be responsible for ensuring the BolaWrap device is properly maintained and in good working order.
d. Deputies should not hold both a firearm and the BolaWrap device at the same time.

348.4 VERBAL AND VISUAL WARNINGS

A verbal warning should precede the application of the BolaWrap, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to;

a. Provide the individual a reasonable opportunity to voluntarily comply.
b. Provide other deputies and individuals with a warning the BolaWrap device may be deployed.

If after a verbal warning, an individual is unwilling to voluntarily comply with a deputies lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the LED illuminators and multi dot laser in a further attempt to gain compliance prior to the application of the BolaWrap. The multi dot laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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The fact a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the BolaWrap device in the related report.

348.5 USE OF THE BOLAWRAP DEVICE

The BolaWrap device has limitations and restrictions requiring consideration before its use. The BolaWrap device should only be used when its operator can safely approach the subject within the operational range of the device. Although the BolaWrap device is generally effective in controlling most individuals, deputies should be aware the device may not achieve the intended results and be prepared with other options.

348.6 APPLICATION OF THE BOLAWRAP DEVICE

The BolaWrap device may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time, indicate such application is reasonably necessary to control the person;

a. Who has demonstrated, through words or actions, they will not comply with the deputies commands or who are passively resisting detention or arrest.
b. The subject has demonstrated, through words or actions, an intention to be violent or to physically resist, and appears to present the potential to harm deputies, himself/herself or others.

Mere flight from a pursuing deputy, without other known circumstances or factors, is not cause for the use of the BolaWrap device to apprehend the subject.

348.7 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the BolaWrap device on certain individuals should generally be avoided unless the totality of the circumstances indicate other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject, or others, and the deputy reasonably believes the need to control the individual outweighs the risk of using the device. This incudes;

a. Individuals who are known to be pregnant.
b. Elderly subjects.
c. Obvious juveniles.
d. Individuals with obvious low body mass.
e. Individuals who are handcuffed or otherwise restrained.
f. Individuals detained in a patrol vehicle.
g. Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
h. Individuals near any boy of water that may present a risk of drowning.
i. Individuals whose position or activity may result in collateral injury (E.g. falls from elevated positions or operating a vehicle).

The BolaWrap device shall not be used to psychologically torment, elicit statements, or to punish any individual.

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348.8 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target, primarily, the areas of the body from the mid thigh to the ankles and, secondarily, the area between the elbows and wrists. The BolaWrap should not be intentionally deployed to the head or neck. Deputies should monitor the condition of the subject if one or more anchors strikes the head, neck, chest, groin, or penetrates the skin until the subject is examined by paramedics or other medical personnel.

348.9 MULTIPLE APPLICATIONS OF THE BOLAWRAP DEVICE

Simultaneous applications of the BolaWrap on a single individual by multiple devices is allowed in the authorized target areas. If the first application of the BolaWrap appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional application of the device.

a. Whether the kevlar cord and/or anchor hooks are making proper contact.
b. Whether the individual has the ability and has been given a reasonable opportunity to comply.
c. Whether verbal commands, other options, or tactics may be more effective.

348.10 ACTIONS FOLLOWING DEPLOYMENT

a. Only medical personnel may remove anchors that are embedded in a subject's skin.
b. If the hooks penetrate only the subject's clothing, the deputy may remove the hooks. The deputy may cut the kevlar cord with medical shears or a seat belt cutter.
c. The kevlar cord shall be removed prior to transport.

The BolaWrap is not intended to be a transportation restraint device and shall not be used as a substitute for a hobble or other restraints.

348.11 OFF-DUTY CONSIDERATIONS

Personnel are not authorized to carry the BolaWrap when off duty.

348.12 REPORTS

Deputies shall document all BolaWrap deployments in the related incident report. Unintentional discharges of the BolaWrap will also be documented in an incident report.

Any deputy who deploys a BolaWrap during the course of their duties shall, at a minimum, complete an incident report describing the actions of the subject against whom it was deployed, the reason for the deployment, and whether or not any charges will be pursued provided that no arrest was made.

The deputy should include the following in the incident report;

a. Identification of all personnel firing the BolaWrap.
b. Identification of all witnesses.
c. Medical treatment, if any was provided to the subject.
d. Observations of the subject's physical and physiological actions.

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e. Any known or suspected drug use, intoxication, or other medical problems.
f. Photographs of injuries or lack of.

348.13 MEDICAL TREATMENT

Absent extenuating circumstances, only appropriate medical personnel should remove BolaWrap anchors from a subject's body. Used BolaWrap anchors shall be treated as a "Sharps" biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All subjects who have been penetrated by BolaWrap anchors shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel;

a. The subject is suspected of being under the influence of controlled substances and/or alcohol.
b. The subject is pregnant.
c. The subject reasonably appears to be in need of medical attention.
d. The BolaWrap anchors are lodged in a sensitive area (E.g. groin, female breast, head, neck, or face).
e. The subject requests medical treatment.

Any subject exhibiting signs of distress after the BolaWrap has been deployed on them shall be transported to a medical facility for examination or medically evaluated prior to booking. If any subject refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in the incident report. If a video or audio recording is made of the contact during an interview with the subject, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the BolaWrap.

348.14 TRAINING

Personnel who are authorized to carry the BolaWrap shall be permitted to do so only after successfully completing the initial department approved training.

Proficiency training for personnel who are authorized to carry the BolaWrap should occur once a year. A reassessment of a deputies knowledge and/or practical skill may be required at any time if deemed necessary by the Rangemaster. All training and proficiency for BolaWrap devices will be documented in the deputies training file.

Command staff, supervisors, investigators, and the Administrative Investigations Unit should receive BolaWrap training as appropriate for the investigations they conduct and review.

Deputies who are not authorized to carry the BolaWrap should receive yearly briefing trainings to familiarize them with the device and its capabilities.

The Rangemaster is responsible for ensuring all members who carry the BolaWrap have received initial and annual proficiency training.

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Application of BolaWrap devices during training could result in injury to personnel and should not be mandatory for certification.

The Rangemaster should ensure all training includes;

a. A review of this policy.
b. A review of the Use of Force Policy.
c. Target area considerations, to include techniques or options to reduce unintentional application of anchors near the head, neck, chest, and groin.
d. Handcuffing a subject during the application of the BolaWrap device and transitioning to other force options.
e. De-escalation techniques.
f. Restraint techniques that do not impair respiration following the application of the BolaWrap.

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Service Animals

349.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

349.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Civil Code § 54.1; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

349.2 POLICY

It is the policy of the Imperial County Sheriff's Office to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to a person authorized to train a service dog (Civil Code § 54.2).

349.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Imperial County Sheriff's Office affords to all members of the public (28 CFR 35.136).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.

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- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

349.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

349.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

349.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136 (b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

349.7 COMPLAINTS

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Service Animals

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Off-Duty Law Enforcement Actions

350.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Imperial County Sheriff's Office with respect to taking law enforcement action while off-duty.

350.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, offdeputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

350.3 FIREARMS

Deputies of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty deputies shall also carry their department-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy’s senses or judgment.

350.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

a. The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
b. The inability to communicate with responding units.
c. The lack of equipment, such as handcuffs, OC or baton.
d. The lack of cover.
e. The potential for increased risk to bystanders if the off-duty deputy were to intervene.
f. Unfamiliarity with the surroundings.

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g. The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

350.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty deputy is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Imperial County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

350.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

350.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

350.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

350.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the sergeant as soon as practicable. The sergeant shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Patrol Rifles

351.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Imperial County Sheriff's Office will make patrol rifles available to qualified patrol deputies as an additional and more immediate tactical resource.

351.2 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified deputies as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Sheriff and the department armorer.

351.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Sheriff, and issued by the Department may be used by deputies in their law enforcement responsibilities. The authorized department-issued patrol rifle is the AR-15 platform.

351.3.1 HOLOGRAPHIC SIGHTS

Deputies desiring to attach an authorized personally owned holographic sight to their department issued rifle shall have it inspected, torqued, and approved by the Rangemaster. Only battery operated holographic sights will be authorized. Rechargeable holographic sight are not authorized. Written approval from the Rangemaster will then be submitted to the Range Chief Deputy to keep on file. Once approved, personally owned holographic sights are subject to the following restrictions:

Brand:

a. EOTech
b. Holosun
c. Sig Sauer
d. Aimpoint
e. Trijicon
f. Vortex

Requirements:

a. Only manufacturer applied black, tan, or olive drab green coloring are authorized.
b. Only red or green holographic sight reticles are authorized.
c. No custom engraving of logos, names, or other insignia other than the manufacturer's markings are authorized unless approved by the Sheriff.

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d. After approval from the Rangemaster, and prior to carrying the firearm, deputies shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule.
e. Deputies must demonstrate proficiency and safe handling of the holgraphic sight as well as demonstrate the firearm functions properly prior to carrying it.
f. Any deputy who fails to qualify or fails to successfully complete the department trainings and qualifications within a calendar year will be provided remedial training. Any deputy who fails to qualify after remedial training will no longer be authorized to carry the patrol rifle mounted holographic sight until further remedial traning and a successful qualification is completed.

Except in an approved training situation, a deputy may only sight in on a target when the deputy would otherwise be justified in pointing a firearm at the target.

351.3.2 HOLOGRAPHIC SIGHT MAGNIFIERS

Deputies desiring to attach an authorized personally owned holographic sight magnifier to their department issued rifle shall have it inspected, torqued, and approved by the Rangemaster. The magnifier brand and color shall match the holographic sight brand. Only battery operated holographic sight magnifiers will be authorized. Rechargeable holographic sight magnifiers are not authorized. Written approval from the Rangemaster will then be submitted to the Range Chief Deputy to keep on file. Once approved, personally owned holographic sight magnifiers are subject to the following restrictions:

Requirements:

a. Only manufacturer applied black, tan, or olice drab green coloring are authorized,
b. No custom engraving of logos, names, or other insignia other than the manufacturer's markings are authorized unless approved by the Sheriff.
c. After approval from the Rangemaster, and prior to carrying the firearm, deputies shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule.
d. Deputies must demonstrate proficiency and safe handling of the holographic sight magnifier as well as demonstrate the firearm functions properly prior to carrying it.
e. Any deputy who fails to qualify or fails to successfully complete the department trainings and qualifications within a calendar year will be provided remedial training. Any deputy who fails to qualify after remedial training will no longer be authorized to carry the patrol rifle mounted holographic sight magnifier until further remedial training and a successful qualification is completed.

Except in an approved training situation, a deputy may only sight in on a target when the deputy would otherwise be justified in pointing a firearm at the target.

351.3.3 WEAPON LIGHTS

Deputies desiring to attach an authorized personally owned weapon light on their department issued rifle shall have it inspected and approved by the Rangemaster. Only battery operated weapon lights will be authorized. Rechargeable weapon lights are not authorized. Weapon lights shall have a minimum of 600 lumens of output. Written approval from the Rangemaster will then be submitted to the Range Chief Deputy to keep on file. Once approved, personally owned weapon lights are subject to the following restrictions:

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Brand:

a. Streamlight
b. Surefire
c. Nightstick
d. Inforce

Requirements:

a. Only manufacturer applied black, tan, or olive drab green coloring are authorized.
b. No custom engraving of logos, names, or other insignia other than the manufacturer's marking are authorized unless approved by the Sheriff.
c. After approval from the Rangemaster, and prior to carrying the firearm, deputies shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule.
d. Deputies must demonstrate proficiency and safe handling of the weapon light as well as demonstrate the firearm functions properly prior to carrying it.

Except in an approved training situation, a deputy may only sight in on a target when the deputy would otherwise be justified in pointing a firearm at the target.

351.4 RIFLE MAINTENANCE

a. Primary responsibility for maintenance of patrol rifles shall fall on the deputy for which the rifle is issued to.
b. Each patrol deputy carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
c. Each patrol deputy shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
d. Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.
e. Each patrol rifle shall be subject to inspection by a supervisor or the Rangemaster at any time.
f. (No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster.
g. Each patrol deputy will be responsible for upkeep and maintenance on their personally owned holographic sight, magnifier, and weapon light.
h. Holographic sight, magnifier, and weapon light will be inspected by the Rangemaster at a minimum of once a year and are subject to inspection by any firearms instructor at any time.

351.5 TRAINING

Deputies shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 16-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Deputies shall be required to successfully complete biannual training and qualification conducted by a Rangemaster.

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Any deputy who fails to qualify or fails to successfully complete the department sanctioned training/qualification sessions within a calendar year will be provided remedial training. Any deputy who fails to qualify after remedial training will no longer be authorized to carry the patrol rifle until further remedial training and a successful qualification.

351.6 DEPLOYMENT OF THE PATROL RIFLE

Deputies may deploy the patrol rifle in any circumstance where the deputy can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the deputy reasonably anticipates an armed encounter.

(b) When a deputy is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where a deputy reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a deputy reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

(e) When a deputy reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

351.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

351.8 PATROL READY

Any qualified deputy carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned deputy, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

351.9 RIFLE STORAGE

(a) When not issued, patrol rifles will be stored in the department armory in rifle racks.

(b) When on duty, all issued patrol rifles shall be secured in vehicles equipped with gun racks.

(c) When a marked patrol unit is not in use, the issued patrol rifles shall be secured in a department issued locker, a gun safe, or a department issued trunk gun lock.

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(d) Patrol rifles stored at home shall be secured in a gun safe or with an approved gun lock in a manner that will keep them inaccessible to children and others who should not have access.

(e) Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

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Patrol Shotguns

352.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Imperial County Sheriff's Office will make patrol shotguns available to qualified patrol deputies as an additional and more immediate tactical resource.

352.2 DEFINITION

A patrol shotgun is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified deputies as a supplemental resource to their duty handgun or patrol rifle. No personally owned shotguns may be carried for patrol duty unless pre-approved in writing by the Sheriff and the department armorer.

352.3 SPECIFICATION

Only weapons and ammunition that meet agency authorized specifications, approved by the Sheriff, and issued by the Department may be used by deputies in their law enforcement responsibilities. The authorized patrol shotgun issued by the Department is the Remington 870.

352.4 SHOTGUN MAINTENANCE

(a) Primary responsibility for maintenance of patrol shotgun fall on the deputy for which the shotgun is issued to.

(b) Each patrol deputy carrying a patrol shotgun may be required to field strip and clean an assigned patrol shotgun as needed.

(c) Each patrol deputy shall be responsible for promptly reporting any damage or malfunction of an assigned patrol shotgun.

(d) Any patrol shotgun found to be unserviceable shall be removed from service. The shotgun shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.

(e) Each patrol shotgun shall be subject to inspection by a supervisor or the Rangemaster at any time.

(f) No modification shall be made to any patrol shotgun without prior written authorization from the Rangemaster.

352.5 TRAINING

Deputies shall not carry or utilize the patrol shotgun unless they have successfully completed an initial patrol shotgun firearms course in the Basic Academy or have completed departmental training. Deputies shall be required to successfully complete biannual training and qualification conducted by a Rangemaster.

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Any deputy who fails to qualify or fails to successfully complete the department sanctioned training/qualification sessions within a calendar year will be provided remedial training. Any deputy who fails to qualify after remedial training will no longer be authorized to carry the patrol shotgun until further remedial training and a successful qualification.

352.6 DEPLOYMENT OF THE PATROL SHOTGUN

Deputies may deploy the patrol shotgun in any circumstance where the officer can articulate a reasonable expectation that the shotgun may be needed. Examples of some general guidelines for deploying the shotgun may include, but are not limited to:

(a) Situations where the deputy reasonably anticipates an armed encounter.

(b) Situations where a deputy reasonably expects the need to meet or exceed a suspect's firepower.

(c) When a deputy reasonably believes that a suspect may be wearing body armor.

(d) When authorized or requested by a supervisor.

352.7 DISCHARGE OF THE PATROL SHOTGUN

The discharge of the patrol shotgun is governed by the Department's Use of Force Policy, Policy Manual 300.

352.8 PATROL READY

Any qualified deputy carrying a patrol shotgun in the field shall maintain the weapon in a patrol ready condition until deployed. A patrol shotgun is considered in a patrol ready condition when it has been inspected by the assigned deputy, the chamber is empty, the safety is on, the ejection port is closed, the fore-end is in the locked forward position, the magazine tube is fully loaded, and the side shell holder is fully loaded.

352.9 SHOTGUN STORAGE

(a) When not issued, patrol shotguns will be stored in the department armory in shotgun racks.

(b) When on duty, all issued patrol shotguns shall be secured in patrol units equipped with gun racks.

(c) When a marked patrol unit is not in use, the issued patrol shotgun shall be secured in a department issued locker, a gun safe, or a department issued trunk gun lock.

(d) Patrol shotguns stored at home shall be secured in a gun safe or with an approved gun lock in a manner that will keep them inaccessible to children and others who should not have access.

(e) Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

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Generative Artificial Intelligence Use

353.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy. Additional guidelines for preparing reports are found in Report Preparation Policy.

353.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

353.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the Imperial County Sheriff's Office.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

353.3 RESPONSIBILITIES

353.3.1 SHERIFF

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The Sheriff or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

353.3.2 AI COORDINATOR

The Sheriff or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Administrative Chief Deputy or the authorized designee.

The responsibilities of the AI coordinator include but are not limited to:

a. Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Sheriff or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:
    1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Department consistently over time.
    2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the Department's use of the system.
    3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
    4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
    5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
    6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
    7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.
b. Ensuring appropriate contractual safeguards are in place to manage third-party use of department data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Department and third-party vendor.
c. Coordinating with others within the Department and County, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.
d. Maintaining a list or inventory of department-approved GenAI systems and, when appropriate for department transparency, making the list or inventory available to the public.
e. Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.
f. Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
g. Developing and updating training for the authorized users of each department-approved GenAI system.

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h. Ensuring access to department GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.
i. Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Department to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the department's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.
j. Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.
k. Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
l. Reviewing this policy and department practices and proposing updates as needed to the Sheriff.
m. Developing procedures in coordination with the *Brady* information coordinator and the Records Supervisor for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the California Public Records Act.

353.4 USE OF GENERATIVE AI

The use of department GenAI systems by department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

a. Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.
b. Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).
c. Include a statement in the final document or work product that GenAI was used to aid in its production.

353.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

353.5 PROHIBITED USE

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Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Sheriff or the authorized designee for the intended use.

Members shall not generate reports utilizing GenAI systems.

353.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

a. A review of this policy
b. The need for human oversight of GenAI outputs
c. The interpretation, review, and verification of GenAI output
d. Checking GenAI output for bias or protected information
e. Ethical use of GenAI technology
f. Data security and privacy concerns

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Illness and Injury Prevention

354.1 PURPOSE AND SCOPE

The health and safety of the employees of the Imperial County Sheriff's Office is important to executive and management staff, and critical to the operation of this department and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the Imperial County Sheriff's Of, in accordance with the requirements of 8 CCR § 3203. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring that these guidelines and directives are implemented.

354.2 RESPONSIBILITY

The Division Supervisor, acting as the Department’s IIPP administrator, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

354.3 COMPLIANCE

The Division Supervisor is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Division Supervisor should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

a. Informing workers of the provisions of the IIPP.
b. Recognizing employees who perform safe work practices.
c. Ensuring that the employee evaluation process includes the employee’s safety performance.
d. Ensuring the Department’s compliance with mandates regarding:
    1. Bloodborne pathogens (8 CCR § 5193).
    2. Airborne transmissible diseases (8 CCR § 5199).
    3. Heat illness (8 CCR § 3395).
    4. Respiratory protection (8 CCR § 5144).

Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Conduct Policy.

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All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

354.4 COMMUNICATION

Supervisors shall establish and maintain communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

a. The Division Supervisor will ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
    1. New worker orientation, including a discussion of safety and health policies and procedures.
    2. Regular employee review of the IIPP.
    3. Workplace safety and health training programs.
    4. Regularly scheduled safety meetings.
    5. Posted or distributed safety information.
    6. A system for workers to anonymously inform management about workplace hazards.
    7. Establishment of a labor/management safety and health committee, which will:
        a. Meet regularly.
        b. Prepare a written record of the safety and health committee meeting.
        c. Review the results of periodic scheduled inspections.
        d. Review investigations of accidents and exposures.
        e. Make suggestions to management for the prevention of future incidents.
        f. Review investigations of alleged hazardous conditions.
        g. Submit recommendations to assist in the evaluation of employee safety suggestions.
        h. Assess the effectiveness of the Department's efforts to meet the following mandates:
            1. Bloodborne pathogens (8 CCR § 5193)
            2. Airborne transmissible diseases (8 CCR § 5199)
            3. Heat illness prevention (8 CCR § 3395).

354.5 HAZARD ASSESSMENT

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards utilizing the applicable sections of the Hazard Assessment Checklist to ensure a thorough inspection. These checklists can be found on the California Department of Industrial Relations website.

354.5.1 [DIVISIONADMIN] SUPERVISOR INSPECTION DUTIES

The Division Supervisor shall ensure an Identified Hazard and Correction Record (located on the California Department of Industrial Relations website) is completed for each inspection.

354.5.2 PATROL [OFFICERS_DEPUTIES] INSPECTION DUTIES

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Deputies are charged with daily vehicle inspection of an assigned vehicle and of personal protective equipment prior to working in the field. Deputies shall complete an Identified Hazard and Correction Form if an unsafe condition cannot be immediately corrected. Deputies should forward this report to their supervisor.

354.5.3 SUPERVISOR ASSESSMENT DUTIES

Supervisors should inform the Division Supervisor when the following occurs:

- New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
- New, previously unidentified hazards are recognized.
- Occupational injuries and illnesses occur.
- New and/or permanent or intermittent workers are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
- Whenever workplace conditions warrant an inspection.

The Division Supervisor will take appropriate action to ensure the IIPP addresses potential hazards upon such notification.

354.6 ACCIDENT/EXPOSURE INVESTIGATIONS

Employees must report all injuries that are a result of a workplace accident and any hazardous substance exposure to a supervisor. A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- A visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident/exposure.
- Determination of the cause of the accident/exposure.
- Corrective action to prevent the accident/exposure from reoccurring.
- A record of the findings and corrective actions taken, using the Investigation/Corrective Action Report for located on the Department of Labor Relations website.

354.7 HAZARD CORRECTION

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisor).

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Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. Hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed workers from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazard and Correction Form. This should be forwarded to the Division Supervisor via the chain of command.

354.8 TRAINING AND INSTRUCTION

The Division Supervisor shall work with the Training Manager to ensure that all workers, including supervisors, are trained on general and job-specific, workplace safety and health practices. Training shall be provided as follows:

- To all new employees for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
- To all workers given new job assignments for which training has not previously been provided.
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- Whenever the department is made aware of a new or previously unrecognized hazard.
- To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
- To all workers with respect to hazards that are specific to each employee's job assignment.
- An explanation of the department’s IIPP, emergency action plan and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.
- The use of appropriate clothing, including gloves, footwear and personal protective equipment.
- Information about chemical hazards to which employees could be exposed.
- The availability of toilet, hand-washing and drinking-water facilities.
- Provisions for medical services and first aid, including emergency procedures.
- Steps to prevent heat illness (8 CCR § 3395).

354.9 RECORDKEEPING

The Division Supervisor will do the following to implement and maintain IIPP records:

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a. Make available the Identified Hazards and Correction Record Form to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.
b. Make available the Investigation/Corrective Action Report (http://www.dir.ca.gov/DOSH/etools/09-031/InvestigationReport.pdf) to document individual incidents or accidents.
c. Develop a Worker Training and Instruction Form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
d. Retain inspection records and training documentation for a minimum of one year.

354.10 TRAINING SUBJECTS

The Division Supervisor should work with the Training Manager to ensure training is provided on the following topics:

- Driver safety
- Safe procedures for handling, cleaning and/or storing weapons
- Good housekeeping and fire prevention
- Back exercises/stretches and proper lifting techniques
- Lock-out/tag-out procedures
- Hazardous materials
- Building searches
- Slips and falls
- Ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods
- Personal protective equipment
- Respiratory equipment
- Hazardous chemical exposures
- Hazard communication
- Physical hazards, such as heat/cold stress, noise, and ionizing and non-ionizing radiation
- Bloodborne pathogens and other biological hazards
- Other job-specific hazards

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ADA Compliance

355.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Imperial County Sheriff's Office services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

355.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Sheriff to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Imperial County Sheriff's Office and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a department service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

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355.2 POLICY

It is the policy of the Imperial County Sheriff's Office that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

355.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

a. Collaborating with the County ADA coordinator regarding the Imperial County Sheriff's Office's efforts to provide equal access to services, programs, and activities.
    1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
b. Collaborating with the County ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:
    1. Inspection of current department facilities to identify access issues.
    2. Review of current department services, activities, and programs for access issues.
    3. Assessment and update, if necessary, of current compliance measures.
    4. Identification of recurring areas of complaint for which new methods of modification should be considered.
    5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
    6. Recommendation of a schedule to implement needed improvements.
c. Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.
d. Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.
    1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.
e. Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.
f. Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.
g. Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).
h. Collaborating with other county departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

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i. Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).
j. Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
k. Recommending amendments to this policy as needed.

355.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

355.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

a. Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
    1. A substantial alteration of the service, program, or activity.
    2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
    3. A threat to or the destruction of the historic significance of a historic property.
    4. A direct threat to the health or safety of others (28 CFR 35.139).
b. If any of these circumstances are present, the ADA coordinator should work with department members and the person requesting the modification to determine if an alternative modification is available.
c. Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

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1. Reassigning services, programs, or activities to accessible buildings or facilities.
2. Utilizing technology, equipment, rolling stock, or other conveyances.
3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
4. Any other means or methods that would make services, programs, or activities readily accessible.

d. If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

355.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

355.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

355.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

a. The methods of communication usually used by the individual.
b. The nature, length, and complexity of the communication involved.
c. The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

355.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own

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assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

355.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

355.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

a. Available within a reasonable amount of time.
b. Experienced in providing interpretation services related to law enforcement matters in the person's primary language.
c. Familiar with the use of text- and video-based communications products and systems.
d. Certified in either American Sign Language (ASL) or Signing Exact English (SEE).
e. Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
f. Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

355.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

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The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

355.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

355.5.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

355.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

355.5.8 WITNESS OR VICTIM INTERVIEWS

Members who interview a witness or victim who demonstrates or states they are deaf or have a hearing loss shall make a good faith effort to secure the services of an interpreter without any unnecessary delay, unless the individual affirmatively indicates they do not need or cannot use an interpreter (Evidence Code § 754).

355.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

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Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

355.7 ARREST

If an individual with a communication-related disability is arrested, the arresting deputy shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the deputy reasonably determines another effective method of communication exists under the circumstances.

Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

355.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

355.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

a. The type of modification, assistive device, auxiliary aid, or service provided.
b. Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.
c. Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

355.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

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355.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

a. Awareness and understanding of this policy, related procedures, forms, and available resources.
b. Procedures for handling requests for modifications.
c. Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.
d. General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Manager should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

355.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

a. The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
b. ASL syntax and accepted abbreviations.
c. Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.
d. Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all Dispatch members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

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Community Relations

356.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

356.2 POLICY

It is the policy of the Imperial County Sheriff's Office to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

356.3 MEMBER RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

a. Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
b. Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
c. Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
d. Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Deputies carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

356.4 COMMUNITY RELATIONS COORDINATOR

The Sheriff or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Sheriff or authorized designee and is responsible for:

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1. Obtaining department-approved training related to his/her responsibilities.
2. Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
3. Organizing surveys to measure the condition of the department's relationship with the community.
4. Working with community groups, department members and other community resources to:
    1. Identify and solve public safety problems within the community.
    2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
5. Working with the Operations Chief Deputy to develop patrol deployment plans that allow deputies the time to participate in community engagement and problem-solving activities.
6. Recognizing department and community members for exceptional work or performance in community relations efforts.
7. Attending County council and other community meetings to obtain information on community relations needs.
8. Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
9. Informing the Sheriff and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

356.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

a. Overall performance of the Department
b. Overall competence of department members
c. Attitude and behavior of department members
d. Level of community trust in the Department
e. Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Sheriff.

356.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

a. Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
b. Police-community get-togethers (e.g., cookouts, meals, charity events).
c. Youth leadership and life skills mentoring.
d. School resource deputy/Drug Abuse Resistance Education (D.A.R.E.®) programs.
e. Neighborhood Watch and crime prevention programs.

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356.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

a. Community meetings.
b. Social media (see the Department Use of Social Media Policy).
c. Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

356.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that deputies do to keep the community safe. Examples of educational methods include:

a. Development and distribution of informational cards/flyers.
b. Department website postings.
c. Presentations to driver education classes.
d. Instruction in schools.
e. Department ride-alongs (see the Ride-Along Policy).
f. Scenario/Simulation exercises with community member participation.
g. Youth internships at the Department.
h. Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

356.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

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356.10 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of deputies, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

356.11 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

a. Effective social interaction and communication skills.
b. Cultural, racial and ethnic diversity and relations.
c. Building community partnerships.
d. Community policing and problem-solving principles.
e. Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Vehicle Pursuits

357.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved deputies, the public, and fleeing suspects (Vehicle Code § 17004.7).

357.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking - A preventive maneuver where emergency vehicles are strategically positioned to prevent a suspect from moving their vehicle, usually before a pursuit starts or at low speeds.

Boxing-in - A low-speed tactic designed to stop a fleeing vehicle by surrounding it with emergency vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed tactic designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop (also known as a Precision Immobilization Technique).

Ramming - The deliberate act of impacting a fleeing vehicle with another vehicle to functionally damage or otherwise force the fleeing vehicle to stop.

Roadblock - A tactic designed to stop a fleeing vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the fleeing vehicle.

Tire deflation device - A device designed to be placed on the roadway and puncture the tires of a fleeing vehicle, sometimes referred to as spike strips.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to a deputy's signal to stop.

357.2 POLICY

It is the policy of this department to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

357.3 INITIATING A PURSUIT

Deputies who have received appropriate training are authorized to initiate a vehicle pursuit when the need to apprehend a fleeing suspect clearly outweighs the risks a vehicle pursuit poses for deputies and the public.

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When balancing the risk of a pursuit with the need to apprehend the suspect, deputies shall consider:

a. The seriousness of the known or reasonably suspected crime committed by the suspect and the threat to the safety of the public if the suspect remains at large.
b. Whether the identity of the suspect is known with enough certainty to enable apprehension at a later time.
c. The speed of the vehicles relative to the conditions of the area, such as the population density, amount of vehicular and pedestrian traffic (e.g., school zones), time of day, road conditions, environmental conditions (e. g., hills, curves, mountains), and weather conditions.
d. The pursuing deputy's driving capabilities, familiarity with the area, and quality of radio communications with the dispatcher/supervisor.
e. The nature of the pursuing unit (e.g., marked vs. unmarked) and its speed and performance capabilities in relation to the fleeing vehicle (e.g., performance motorcycle).
f. Whether there are other persons in or on the fleeing vehicle and their relationship to the situation (e.g., passengers, co-offenders, hostages).
g. Whether the pursuing unit is carrying passengers other than on-duty sheriff's deputies. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist.
h. The availability of other resources such as air support or vehicle locator/deactivation technology.

357.4 PURSUIT UNITS

Vehicle pursuits should be limited to three Sheriff's Office emergency vehicles (two pursuit units and the supervisor vehicle). However, a deputy or supervisor may request that additional units join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of deputies involved may be insufficient to safely arrest the number of suspects.

357.4.1 EMERGENCY EQUIPMENT

Vehicle pursuits shall only be conducted using authorized Sheriff's Office vehicles that are equipped with emergency lighting and sirens as required by Vehicle Code § 21055. Each pursuit unit's emergency lights and sirens should remain activated throughout the unit's participation in the pursuit.

Deputies operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Deputies in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

357.4.2 MOTORCYCLES AND UNMARKED UNITS

When involved in a pursuit, Sheriff's Office motorcycles and unmarked vehicles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

357.4.3 PRIMARY UNIT

The initial pursuing deputy should be designated as the primary unit and will be responsible for the conduct of the pursuit unless that unit is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspect without unreasonable danger to themself or others.

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As soon as practicable, the primary unit should notify Dispatch of the pursuit, request priority radio traffic, and provide appropriate information including:

a. The location, direction of travel, and estimated speed of the pursuit.
b. The description of the fleeing vehicle, including the license plate number, if known.
c. The reason for the pursuit.
d. A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).
e. Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.
f. The suspected number of occupants and their identities or descriptions.
g. The weather, road, and traffic conditions.
h. The need for any additional resources or equipment.
i. The identities of other law enforcement agencies involved in the pursuit.

The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

357.4.4 SECONDARY UNIT

The second deputy in the pursuit should be designated as the secondary unit and is responsible for:

a. Notifying Dispatch of their entry into the pursuit.
b. Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
c. Identifying the need for and requesting additional resources or equipment as appropriate.
d. Serving as backup to the primary unit once the fleeing vehicle has been stopped.

357.4.5 AIR UNITS

When available, air unit assistance should be requested. The air unit should assume responsibility of broadcasting the pursuit once they have established visual content with the fleeing vehicle. Ground units should maintain operational control and consider whether the continued close proximity and/or involvement in the pursuit is warranted.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide pursuing units with details of upcoming traffic congestion, road hazards, or other information pertinent to evaluating whether to continue the pursuit. If ground units are not within visual contact of the fleeing vehicle and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend termination.

357.5 PURSUIT DRIVING

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, deputies involved in the pursuit should adhere to the following:

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a. Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.
b. Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.
c. Pursuing units should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:
    1. Request assistance from available air support.
    2. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
    3. Request other units to observe exits available to the fleeing vehicle.
d. Pursuing units should request that Dispatch notify the California Highway Patrol (CHP) and/or another law enforcement agency if it appears that the pursuit may enter its jurisdiction.
e. Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

357.5.1 RULES OF THE ROAD

The speed of a vehicle pursuit is a factor that should be evaluated on a continuing basis by the deputy and supervisor. Evaluation of vehicle speeds should take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, deputies and supervisors should also consider these factors when determining the reasonableness of the speed of the pursuit:

a. Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
b. Pursuit speeds have exceeded the driving ability of the deputy.
c. Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

357.5.2 DEPUTIES NOT INVOLVED IN THE PURSUIT

Deputies not directly involved in the pursuit should stay alert to its progress and location and may proceed safely to intersections ahead of the pursuit to warn cross traffic. When clearing intersections along the pursuit path, deputies are authorized to use emergency equipment and should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or a suspect intentionally trying to ram the Sheriff's Office vehicle.

Other than clearing intersections along the pursuit path, uninvolved deputies should avoid operating under emergency conditions (emergency lights and siren) and should remain in their assigned areas unless directed otherwise by a supervisor.

When needed, non-pursuing deputies and deputies who have dropped out of the pursuit should respond to the pursuit termination point in a non-emergency manner, observing the rules of the road. Deputies should not parallel the pursuit route.

357.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

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The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

a. Immediately notifying the involved units and the dispatcher of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.
b. Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.
c. Confirming that no more pursuing units than required are involved in the pursuit.
d. Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.
e. Assessing the emotional state of the deputies involved and directing a deputy to disengage from the pursuit if it appears they are unable to control their emotions.
f. Requesting additional assistance from air support, canines, or other resources, if available and appropriate.
g. Verifying that the proper radio channel is being used.
h. Confirming the Lieutenant has been notified of the pursuit.
i. Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this department.
j. Continuing the management and control of Imperial County Sheriff's Office units when a pursuit enters another jurisdiction.
k. Preparing documentation of the pursuit and conducting a post-pursuit review, as required.

357.6.1 LIEUTENANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Lieutenant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Lieutenant has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

357.7 DISPATCH

Radio communications during a pursuit should be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

357.7.1 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

a. Clearing the radio channel of non-emergency traffic.
b. Coordinating pursuit communications of the involved units and personnel.
c. Broadcasting pursuit updates as well as other pertinent information as necessary.
d. Ensuring that a field supervisor is notified of the pursuit.

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e. Notifying and coordinating with other involved or affected agencies as practicable.
f. Notifying the Lieutenant as soon as practicable.
g. Assigning an incident number and logging all pursuit activities.

357.8 INTERJURISDICTIONAL CONSIDERATIONS

Unless entry into another jurisdiction is expected to be brief, the primary unit or supervisor should ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

357.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

When a pursuit enters another agency's jurisdiction, the primary unit or the supervisor should determine whether to request the other agency assume the pursuit, taking into consideration the distance traveled, familiarity with the area, and other pertinent facts.

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the Imperial County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for department reports.

357.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Deputies from this department should not join a pursuit being conducted by another agency unless specifically requested to do so by that agency and with approval from a supervisor.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Imperial County Sheriff's Office, the Sergeant or supervisor should review the request as soon as practicable, taking into consideration:

a. Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to deputies and the public.
b. Whether there is adequate staffing to continue the pursuit.
c. The available units' capabilities to maintain the pursuit.
d. The number of available units and other resources of the pursuing agency.

Assistance to a pursuing agency by deputies of this department should terminate at the County limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department should continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies should provide appropriate assistance to the pursuing agency such as scene control, inter-agency coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

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357.9 PURSUIT INTERVENTION

Pursuit interventions should only be used when it reasonably appears that using the intervention will contain or prevent the pursuit, and the need to immediately stop the fleeing vehicle outweighs the risks of injury or death to deputies and others.

Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Deputies should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

Whenever practicable, a deputy should seek approval from a supervisor before employing any pursuit intervention to stop a fleeing vehicle. Deputies should not attempt a pursuit intervention unless they have received the appropriate training for the intervention being used.

357.9.1 TIRE DEFLATION DEVICE

Before deploying a tire deflation device, deputies should consider factors such as:

a. Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.
b. Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying deputy to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.
c. Cover - Deployment should occur in a location that provides the deploying deputy adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.
d. Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.
e. Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
f. Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.

Because of the risks to deploying deputies, the intent to deploy a tire deflation device and its location should be clearly communicated to the dispatcher and all involved units.

357.9.2 PIT

A PIT should only be attempted in a vehicle with a reinforced bumper.

Before conducting a PIT, deputies should consider factors such as:

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a. Speed of the fleeing vehicle - Conducting a PIT while traveling at high speeds increases the risk of the suspect or deputy losing control of their vehicle. A PIT should not be conducted at speeds greater than the speed at which the deputy has received training.
b. Road conditions - Because the intention of a PIT is to cause the fleeing vehicle to spin out by reducing the friction between the tires and the roadway, the material of the roadway (e.g., pavement, gravel, dirt) should be considered and a PIT should not be attempted when road conditions are wet or icy.
c. Characteristics of the deployment area - A PIT should not be attempted in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
d. Characteristics of the fleeing vehicle - A PIT should not be used when the pursued vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children. The increased risk of rolling over should be evaluated on vehicles with a high center of gravity.
e. Number of pursuit units - A PIT should not be used unless there is a sufficient number of pursuit units available to prevent further movement of the fleeing vehicle after spinning out.

357.9.3 BOXING-IN OR BLOCKING

Boxing-in or blocking should only be used when the suspect's vehicle is stopped or traveling at a low speed.

Boxing-in requires the participation of multiple units and therefore must be carefully coordinated with all involved.

357.9.4 RAMMING AND ROADBLOCKS

Ramming and roadblocks shall only be used when deadly force is warranted and all other reasonable alternatives have been exhausted or reasonably appear ineffective. The Sheriff or the authorized designee should maintain written procedures for safe and lawful implementation of roadblocks.

357.9.5 FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in the Use of Force Policy.

357.10 TERMINATING A PURSUIT

The factors considered when initiating a pursuit should be continually reevaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when:

a. A supervisor directs the pursuit to be terminated.
b. The location of the fleeing vehicle is no longer known.
c. The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.

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d. The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the dispatcher.

357.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

357.10.2 APPREHENSION OF SUSPECTS

Deputies should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Unless otherwise directed by a supervisor, a deputy other than the primary unit should coordinate efforts to apprehend the suspect following the pursuit.

Any use of force necessary to apprehend the suspect shall be consistent with the Use of Force Policy.

357.11 DEBRIEFING

Participating deputies should return to the Department as soon as practical following a pursuit to debrief with a supervisor.

357.12 REPORTING REQUIREMENTS

Appropriate reports should be completed as required by applicable laws, policies, and procedures.

a. Pursuing deputies should complete appropriate crime/arrest and pursuit reports.
b. The involved supervisor, or if unavailable, the on-duty field supervisor, shall obtain available information and promptly complete appropriate written notification to the Sheriff or the authorized designee. The notification should briefly summarize the pursuit and include, at a minimum:
    1. Date and time of the pursuit.
    2. Reason and circumstances surrounding the pursuit (e.g., seriousness of the crime, road and traffic conditions, speed and driving behavior of the fleeing vehicle) that warranted initiation and continuation of the pursuit.
    3. Length of pursuit in distance and time, including the starting and termination points.
    4. Involved vehicles and deputies.
    5. Alleged offenses.
    6. Whether a suspect was apprehended, as well as the means and methods used.
    7. Arrestee information, if applicable.

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8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.

After receiving copies of the written notification, reports, and other pertinent information, the Sheriff or the authorized designee shall conduct or assign a post-pursuit review, as appropriate.

The Sheriff should direct an annual documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, and training or equipment needs. The review should not contain the names of deputies, suspects, or case numbers.

357.12.1 STATE-SPECIFIC REPORTING REQUIREMENTS

The Sergeant shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary deputy should complete as much of the required information on the form as is known and forward the report to the Sergeant for review and distribution.

357.13 PURSUIT TRAINING

The Training Manager should ensure that members of this department receive initial and annual training on this policy and vehicle pursuits relevant to their role (e.g., deputies, supervisors, air units, dispatchers).

Deputy training should address decision-making involved in initiating, continuing, and terminating a pursuit by balancing the need to apprehend the suspect with the risk of a pursuit. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

357.13.1 STATE-SPECIFIC TRAINING REQUIREMENTS

The Training Manager shall make available to all deputies initial and supplementary POST training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

a. This policy.
b. The importance of vehicle safety and protecting the public.
c. The need to balance the known offense and the need for immediate capture against the risks to deputies and others.

357.14 POLICY ACKNOWLEDGEMENT

Deputies of this department shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on this policy is provided. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

357.15 APPLICATION OF VEHICLE PURSUIT POLICY

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This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all division s and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, deputies should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.3.1 CAMPUS LIAISON

A college or university in this jurisdiction should designate a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

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400.4 POLICY

The Imperial County Sheriff's Office provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.5 FUNCTION

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Imperial County. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

a. Responding to emergency calls for service.
b. Apprehending criminal offenders.
c. Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
d. Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
e. Responding to reports of criminal and non-criminal acts.
f. Responding to routine calls for service, such as public assistance or public safety.
g. Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
h. Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
i. Directing and controlling traffic.

400.6 PATROL SHIFTS

Patrol shifts consist of 12 hour shifts working 4 days one week and 3 days the next week.

400.6.1 PATROL SCHEDULES

The patrol schedule consists of 4 shifts to cover 24 hours a day and 7 days a week. These shifts are Tuesday through Friday with every other Friday off and Friday through Monday with every other Friday off. Shifts are 0645-1900 and 1845-0700.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Imperial County Sheriff's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

This includes biased conduct, including but not limited to conduct online, such as social media use, engaged in by a peace officer in any encounter with the public, first responders, or employees of criminal justice agencies, that is motivated by bias toward any person's protected class or characteristic, whether actual or perceived as identified in Civil Code 51(b) of the Unruh Civil Rights Act. Biased conduct may result from implicit and explicit biases. Conduct is biased if a reasonable person with the same training and experience would conclude, based upon the facts, that a peace officer's conduct resulted from bias towards that person's membership in a protected class. A peace officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct (Penal Code § 13510.6; 11 CCR 1022).

401.2 POLICY

The Imperial County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

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However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

a. In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.
b. By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, a deputy conducting a stop of a person shall collect the data elements required by Government Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple deputies conduct a stop, the deputy with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Imperial County Sheriff's Office is the primary agency, the Imperial County Sheriff's Office deputy shall collect the data elements and prepare the stop data report (11 CCR 999.227).

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The stop data report should be completed by the end of the deputy's shift or as soon as practicable (11 CCR 999.227).

401.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

A deputy conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the deputy reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Deputies shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

1. Supervisors should discuss any issues with the involved deputy and their supervisor in a timely manner.
    1. Supervisors should document these discussions in the prescribed manner.
2. Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, mobile data computer (MDC) data, and any other available resource used to document contact between deputies and the public to ensure compliance with the policy.
    1. Supervisors should document these periodic reviews.
    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
3. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
    1. When investigating any bias-related complaint or law enforcement activity incident that involves possible indications of deputy biased conduct or improper profiling, a supervisor shall determine whether the deputy engaged in conduct that constitutes biased conduct as defined in 11 CCR 1022 or improper profiling during a law enforcement activity as described in Penal Code § 13519.4(e) (Penal Code § 13510.6).
4. Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

The Division Chief Deputy should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff. The report should also include a documented review of department activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, ordeputy. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

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Training on fair and objective policing and review of this policy shall be conducted annually and include:

a. Explicit and implicit biases.
b. Avoiding improper profiling.

401.7.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Training Manager.

a. All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
b. Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
c. Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).

401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Administrative Investigations Unit Sergeant shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against deputies is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Division Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

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Briefing Training

402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however deputies may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

a. Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

b. Notifying deputies of changes in schedules and assignments

c. Notifying deputies of new Departmental Directives or changes in Departmental Directives

d. Reviewing recent incidents for training purposes

e. Providing training on a variety of subjects

402.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his or her absence or for training purposes.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Deputy for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Imperial County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

a. Broadcast emergency information, including requests for additional assistance and resources.
b. Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
c. Locate or identify suspects and determine whether dangerous suspects are still within the area.
d. Provide first aid to injured parties if it can be done safely.
e. Evacuate the location safely as required or appropriate.
f. Secure the inner perimeter.
g. Protect items of apparent evidentiary value.
h. Secure an outer perimeter.
i. Identify potential witnesses.
j. Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

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403.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

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Sheriff's Emergency Response Team

404.1 PURPOSE AND SCOPE

The Sheriff's Emergency Response Team (SERT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Sheriff's Emergency Response Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 LEVELS OF CAPABILITY/TRAINING

404.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level deputies. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

404.2.2 LEVEL II

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A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

404.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

404.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

a. Command and Control

b. Containment

c. Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team’s capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

a. Locally identified specific missions the team is capable of performing.

b. Team organization and function.

c. Personnel selection and retention criteria.

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d. Training and required competencies.

e. Procedures for activation and deployment.

f. Command and control issues, including a clearly defined command structure.

g. Multi-agency response.

h. Out-of-jurisdiction response.

i. Specialized functions and supporting resources.

404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

a. Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
    1. All SWAT team members should have an understanding of operational planning.
    2. SWAT team training should consider planning for both spontaneous and planned events.
    3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
b. Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
    1. When possible, briefings should include the specialized units and supporting resources.
c. Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
d. A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
e. The appropriate role for a trained negotiator.
f. A standard method of determining whether or not a warrant should be regarded as high-risk.
g. A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
h. Post incident scene management including:
    1. Documentation of the incident.
    2. Transition to investigations and/or other units.
    3. Debriefing after every deployment of the SWAT team.
        1. After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.

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2. Such debriefing should not be conducted until involved deputies have had the opportunity to individually complete necessary reports or provide formal statements.
3. In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
4. When appropriate, debriefing should include specialized units and resources.

i. Sound risk management analysis.
j. Standardization of equipment deployed.

404.4 TRAINING NEEDS ASSESSMENT

The SERT Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

404.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

a. To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

404.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

404.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SERT Commander. The SERT Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

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a. Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
b. Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
c. Those members who are on vacation, ill, or are on light duty status with a doctor’s note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
d. Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SERT Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
e. Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the SERT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.4.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.5 UNIFORMS, EQUIPMENT, AND FIREARMS

404.5.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

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404.5.2 EQUIPMENT

SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

404.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

404.5.4 OPERATIONAL READINESS INSPECTIONS

The SERT Commander shall appoint a SERT supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SERT Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SERT facility and equipment maintained or used in SERT vehicles.

404.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

The Commander of the SERT shall be selected by the Sheriff upon recommendation of staff.

404.6.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the Division Chief Deputy, the Sheriff's Emergency Response Team shall be managed by a lieutenant.

404.6.2 TEAM SUPERVISORS

The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Sheriff upon specific recommendation by staff and the SERT Commander.

The following represent the supervisor responsibilities for the Sheriff's Emergency Response Team.

a. The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SERT Commander.
b. The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the SERT Commander.

404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

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The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

404.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Chief Deputy. A copy will be forwarded to the SERT Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SERT Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

a. Recognized competence and ability as evidenced by performance.
b. Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
c. Effective communication skills to ensure success as a negotiator.
d. Special skills, training, or appropriate education as it pertains to the assignment.
e. Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

404.7.2 TRAINING OF NEGOTIATORS

Those deputies selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

404.8.1 SELECTION OF PERSONNEL

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Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Division Chief Deputy, a copy of which will be forwarded to the SERT Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SERT Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, SWAT basic rifle, a copulation of physical agility and rifle/pistol proficiency as well as a team evaluation.

a. Oral board: The oral board will consist of personnel selected by the SERT Commander. Applicants will be evaluated by the following criteria:
    1. Recognized competence and ability as evidenced by performance;
    2. Demonstrated good judgment and understanding of critical role of SWAT member;
    3. Special skills, training, or appropriate education as it pertains to this assignment; and,
    4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
b. Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. A copulation of rifle/pistol proficiency as well as strength and conditioning. The test and scoring procedure will be established by the SERT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
c. SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 87 out of a possible score of 110 must be attained to qualify, with no rounds outside the silhouette.
d. SWAT basic rifle: Candidates will be invited to shoot the SWAT Basic Drill for the rifle. A minimum qualifying score of 87 points out of a possible score of 110 must be obtained to qualify, with no rounds outside the silhouette.
e. Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
f. A list of successful applicants shall be submitted to staff, by the SERT Commander, for final selection.

404.8.2 TEAM EVALUATION

Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SERT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Sheriff's Emergency Response Team. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SERT Commander.

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404.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Patrol Sergeant, he/she will notify the SERT Commander.

404.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Sheriff's Emergency Response Team:

a. Barricaded suspects who refuse an order to surrender.

b. Incidents where hostages are taken.

c. Cases of suicide threats.

d. Arrests of dangerous persons.

e. Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

404.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Patrol Sergeant. Deployment of the Imperial County Sheriff's Emergency Response Team in response to requests by other agencies must be authorized by a Duty Officer.

404.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU’s, or working relationships to support multi-jurisdictional or regional responses.

a. If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
b. Members of the Imperial County Sheriff's Office SWAT team shall operate under the policies, procedures and command of the Imperial County Sheriff's Office when working in a multi-agency situation.

404.9.5 MOBILIZATION OF EMERGENCY RESPONSE TEAM

The On-Scene supervisor shall make a request to the Lieutenant for the Sheriff's Emergency Response Team. The Lieutenant shall then notify the SERT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Patrol Sergeant's office by the SERT Commander. The Lieutenant will then notify the Command Staff as soon as practical.

The Lieutenant should advise the SERT Commander with as much of the following information which is available at the time:

a. The number of suspects, known weapons and resources.

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b. If the suspect is in control of hostages.
c. If the suspect is barricaded.
d. The type of crime involved.
e. If the suspect has threatened or attempted suicide.
f. The location of the command post and a safe approach to it.
g. The extent of any perimeter and the number of deputies involved.
h. Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SERT Commander or supervisor shall then call selected deputies to respond.

404.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Sheriff's Emergency Response Team, field personnel should, if safe, practical and sufficient resources exist:

a. Establish an inner and outer perimeter.

b. Establish a command post outside of the inner perimeter.

c. Establish an arrest/response team. The team actions may include:

    1. Securing any subject or suspect who may surrender.

    2. Taking action to mitigate a deadly threat or behavior.

d. Evacuate any injured persons or citizens in the zone of danger.

e. Attempt to establish preliminary communication with the suspect. Once the SERT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

f. Be prepared to brief the SERT Commander on the situation.

g. Plan for, and stage, anticipated resources.

404.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Sheriff's Emergency Response Team at the scene, the Incident Commander shall brief the SERT Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SERT Commander, whether to deploy the Emergency Response Team. Once the Incident Commander authorizes deployment, the SERT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Sheriff's Emergency Response Team. The Incident Commander and the SERT Commander (or his or her designee) shall maintain communications at all times.

404.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

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All of those persons who are non-Sheriff's Emergency Response Team personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Emergency Response Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

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Corrections Special Operations Response Team

405.1 PURPOSE AND SCOPE

The Corrections Special Operations Response Team is comprised of one specialized team. The unit has been established to provide specialized support in handling critical jail operations where special tactical deployment methods are required.

405.2 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Corrections Special Operations Response Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to Corrections personnel allowing for appropriate on-the-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

405.3 MANAGEMENT SUPERVISION OF C.S.O.R.T.

The Commander of the C.S.O.R.T. shall be selected by the Sheriff.

405.3.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, the C.S.O.R.T. shall be managed by the Corrections Captain.

405.3.2 TEAM SUPERVISORS

Each C.S.O.R.T. Team will be supervised by a sergeant.

The team supervisors shall be selected by the Sheriff upon specific recommendation by staff and the C.S.O.R.T. Commander.

The following represent the supervisor responsibilities for the Corrections Special Operations Response Team.

a. The Corrections Special Operations Response Team supervisor's primary responsibility is to supervise the operations of the C.S.O.R.T. Team which will include deployment, training, first line participation, and other duties as directed by the C.S.O.R.T. Commander.

405.3.3 CALL OUT OF S.E.R.T. OR HOSTAGE NEGOTIATORS

The Commander of the Corrections Special Operations Response Team is authorized to request the assistance of the Special Emergency Response Team and/or Hostage Negotiating Team, through the S.E.R.T. Team Commander, in the following situations.

a. The Hostage Negotiating Team shall be called out when the C.S.O.R.T, Commander determines there is a need for their assistance.

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b. The C.S.O.R.T. Commander shall request the S.E.R.T, Team when it is determined there may be a need for lethal intervention, or the assistance of additional trained personnel. When S.E.R.T. team responds to a C.S.O. R.T. operation the Hostage Negotiating Team shall also be called out.

405.4 C.S.O.R.T. TEAM ADMINISTRATIVE PROCEDURES

The C.S.O.R.T Team was established to provide a skilled and trained team to be deployed during events requiring specialized tactics in a custodial environment; for example, in such situations as cases where subjects have taken hostages and/or barricaded themselves. Additionally included are situations in which persons armed or suspected of being armed pose a danger to themselves, others or the correctional facility. The following procedures serve as directives for the administrative operation of the C.S.O.R.T. Team.

405.4.1 SELECTION OF PERSONNEL

Interested Correctional Officers, who are off probation, shall submit a memorandum requesting membership in the C. S.O.R.T. Team. The memorandum shall be submitted to the Corrections Captain for recommendation of acceptance. Interested personnel shall be evaluated by the following criteria:

a. Must have successfully completed probationary period

b. Must receive favorable recommendation from C.S.O.R.T. Commander and the employee's supervisor

c. Must be free of disciplinary action a period of one year

d. Recognized competence and ability as evidenced in their performance

e. Demonstrate good judgment and perform well under stressful situations

f. Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

g. Must pass the two-part C-SORT Physical Agility Test.

h. Must pass the psychological test.

i. Must pass an oral interview.

The Sheriff with recommendation of the C-SORT Commander and the Jail Commander will have final approval of Correctional Officers assigned to the team.

The tour of duty for C.S.O.R.T. members will be (2) years. All personnel will be required to reapply.

405.4.2 C.S.O.R.T. TRAINING

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Training shall be coordinated by the C.S.O,R.T. Commander. In addition to specialized training, the C.S.O.R.T. Commander may conduct monthly training exercises, to include a review and critique of personnel and their performance in the exercise. Training shall consist of the following:

a. All C-SORT members must successfully pass the two-part C-SORT Physical Agility Test two times a year in order to remain an active members of C-SORT. The C-SORT Commander will be responsible for scheduling two testing dates a year in conjunction with C-SORT training exercises.

b. C-SORT members that do not successfully pass the two-part C-SORT Physical Agility Test will be placed on an inactive status until they pass the C-SORT Physical Agility Test the next time it is administered. If they do not successfully pass the second time they will be dismissed from C-SORT.

c. Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within thirty (30) days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

d. Quarterly, each C.S.O.R.T. team member shall perform the mandatory C.S.O,R.T. Control Devices and Techniques Course. Failure to qualify will require that member to seek remedial training from a team member approved by the C.S.O.R.T. Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training will result in dismissal from the team.

405.4.3 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the C.S.O.R.T. Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all C.S.O.R.T. team members. Any member of the C.S.O.R.T. Team who performs or functions at a level less than satisfactory shall be dismissed from the team.

405.5 OPERATION GUIDELINES FOR CORRECTIONS SPECIAL OPERATIONS RESPONSE TEAM

The following procedures serve as guidelines for the operational deployment of the Corrections Special Operations Response Team.

405.5.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the C.S.O.R.T. is to respond to the scene. Upon final determination by the supervisor, he/she will notify the C.S.O.R.T. Commander.

405.5.2 APPROPRIATE SITUATIONS FOR USE OF CORRECTIONS SPECIAL OPERATIONS RESPONSE TEAM

The following are incidents that may indicate the need for activation of the Corrections Special Operations Response Team:

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a. Barricaded subjects who refuse an order to surrender;

b. Incidents where hostages are taken;

c. Cases of suicide threats;

d. Movements of dangerous persons;

e. Any situation that could jeopardize the security of the Regional Adult Detention Facility, the Herbert Hughes Correctional Center or any other area under command of the Corrections Division.

405.5.3 MOBILIZATION OF CORRECTIONS SPECIAL OPERATIONS RESPONSE TEAM

The On-Scene supervisor shall make a request to the C,S.O.R.T. Commander for the C.S.O.R.T. Team. A mobilization list shall be maintained by the C.S,O.R.T. Commander.

The Jail Watch Commander should advise the C.S.O.R.T. Commander as follows:

a. The number of inmates known weapons and resources;

b. If the inmate is in control of hostages;

c. It the inmate is barricaded;

d. The type of situation involved;

e. If the inmate has threatened or attempted suicide;

f. The location of the command post and a safe approach to it;

g. The extent of any perimeter and the number of Correctional Officers involved; and

h. Any other important facts critical to the immediate situation and whether the inmate has refused an order to surrender. The C.S.O.R.T. Commander shall then call the team members.

The C.S.O.R.T. Commander shall then call the team members.

405.5.4 CORRECTIONAL OFFICERS RESPONSIBILITIES

While waiting for the C.S.O.R.T. Team, jail personnel should, if safe and practical:

a. Establish an inner and outer perimeter;

b. Establish a command post outside of the inner perimeter;

c. Evacuate any injured persons or citizens in the zone of danger;

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d. Attempt to establish preliminary communication with the inmate.

e. Once the C.S.O has arrived, all negotiations should be halted to allow the negotiators and C.S.O.RT. time to set up;

f. Be prepared to brief C.S.O.R.T. Commander on situation; and

g. Plan for, and stage, anticipated resources.

405.5.5 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Corrections Special Operations Response Team at the scene, the Incident Commander shall brief the C.S.O,R.T. Commander and team supervisors about the situation. The C.S.O.R.T. Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Corrections Special Operations Response Team. The Incident Commander and the C.S.O.R.T. Commander (or his or her designee) shall maintain communications at all times.

405.5.6 COMMUNICATION WITH C.S.O.R.T. PERSONNEL

All of those persons who are non-Corrections Special Operations Response Team personnel should refrain from any contact or interference with any member of the unit during active Operations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All such communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

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Ride-Along Policy

406.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

406.1.1 ELIGIBILITY

The Imperial County Sheriff's Office Ride-Along Program is offered to residents, students and those employed within the County. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

406.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Sheriff, Division Chief, or Watch Commander.

406.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the North County Investigator. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver’s license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The North County Investigator will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his /her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

406.2.1 PROGRAM REQUIREMENTS

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Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, sheriff's applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along requirements for sheriff's cadets are covered in the Sheriff's Cadets Policy.

406.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

406.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

406.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Imperial County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

406.3 DEPUTY'S RESPONSIBILITY

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the deputy.

406.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

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a. The ride-along will follow the directions of the deputy

b. The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment

c. The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy’s duties

d. Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

e. Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

f. Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person

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Hazardous Material Response

407.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this department.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

407.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

a. Attempt to identify the type of hazardous substance from a safe distance using distance-observing devices (e. g., binoculars, spotting scopes, unmanned aerial systems) if they are available. Identification can be determined by:
    1. Placard, container labeling, or Safety Data Sheets.
    2. Driver's manifest or statements from the person transporting the material.
    3. Other visual or physical warnings.
b. Notify the fire department.
c. Provide first-aid for injured parties if it can be done safely and without contamination.
d. Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
e. Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
f. Notify the Department of Toxic Substances Control. This is mandatory when a deputy comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

Members should have access to the North American Emergency Response Guidebook.

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407.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an employee memorandum that shall be forwarded via chain of command to the Patrol Sergeant as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

407.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

407.4 POLICY

It is the policy of the Imperial County Sheriff's Office to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

407.5 TRAINING

The Training Manager shall ensure that annual hazardous materials training is provided to all deputies.

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Hostage and Barricade Incidents

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

a. Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
b. Unlawfully held against his/her will under threat or actual use of force.

408.2 POLICY

It is the policy of the Imperial County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

408.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect’s surrender.

When available, [department/office]-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

408.3.1 EMERGENCY COMMUNICATIONS

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Only a deputy who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

a. The deputy reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),

b. The deputy reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

c. There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).

d. An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.

e. The contents of any oral communications overheard are recorded on tape or other comparable device.

408.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor’s response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

408.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

a. Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
b. Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
c. Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
d. Provide responding emergency personnel with a safe arrival route to the location.
e. Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

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f. Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
g. Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
h. Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
i. Determine the need for and notify the appropriate persons within and outside the [Department/Office], such as command officers and the Public Information Officer ([PIO]).
j. If necessary and available, establish a tactical or exclusive radio frequency for the incident.
k. Establish a command post.

408.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

a. Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
b. Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
c. Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
d. Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
e. Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
f. Provide responding emergency personnel with a safe arrival route to the location.
g. Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
h. Coordinate pursuit or surveillance vehicles and control of travel routes.
i. Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
j. Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
k. Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
l. Determine the need for and notify the appropriate persons within and outside the [Department/Office], such as command officers and the [PIO].
m. If necessary and available, establish a tactical or exclusive radio frequency for the incident.

408.5 SUPERVISOR RESPONSIBILITIES

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Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a [Crisis Response Unit] ([CRU]) response if appropriate and apprising the [CRU] Commander of the circumstances. In addition, the following options should be considered:

1. Ensure injured persons are evacuated and treated by medical personnel.
2. Ensure the completion of necessary first responder responsibilities or assignments.
3. Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
4. Establish a command post location as resources and circumstances permit.
5. Designate assistants who can help with intelligence information and documentation of the incident.
6. If it is practicable to do so, arrange for video documentation of the operation.
7. Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
    1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the [Department/Office] obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.
8. Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
9. Identify a media staging area outside the outer perimeter and have the [department/office] Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
10. Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
11. Debrief personnel and review documentation as appropriate.

408.6 [CRU] RESPONSIBILITIES

The Incident Commander will decide, with input from the [CRU] Commander, whether to deploy the [CRU] during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the [CRU] Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the [CRU]. The Incident Commander and the [CRU] Commander or the authorized designee shall maintain communications at all times.

408.7 REPORTING

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Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Imperial County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

409.2 POLICY

It is the policy of the Imperial County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

409.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

409.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

409.4.1 IMPERIAL COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Imperial County Sheriff's Office facility, the Watch Commander will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's department, as he /she deems appropriate.

409.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Imperial County Sheriff's Office that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

409.4.3 FEDERAL BUILDING OR PROPERTY

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If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

409.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the County of Imperial County, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

1. The location of the facility.
2. The nature of the threat.
3. Whether the type and detonation time of the device is known.
4. Whether the facility is occupied and, if so, the number of occupants currently on-scene.
5. Whether the individual is requesting sheriff's assistance at the facility.
6. Whether there are any internal facility procedures regarding bomb threats in place, such as:
    1. No evacuation of personnel and no search for a device.
    2. Search for a device without evacuation of personnel.
    3. Evacuation of personnel without a search for a device.
    4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

409.5.1 ASSISTANCE

The Watch Commander should be notified when sheriff's assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

1. The appropriate level of assistance.
2. The plan for assistance.
3. Whether to evacuate and/or search the facility.
4. Whether to involve facility staff in the search or evacuation of the building.

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1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

5. The need for additional resources, including:
    1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

409.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

1. No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
2. The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
3. Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
    1. Two-way radios
    2. Cell phones
    3. Other personal communication devices
4. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
5. The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
6. A safe access route should be provided for support personnel and equipment.
7. Search the area for secondary devices as appropriate and based upon available resources.
8. Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
9. Promptly relay available information to the Watch Commander including:
    1. The time of discovery.
    2. The exact location of the device.
    3. A full description of the device (e.g., size, shape, markings, construction).
    4. The anticipated danger zone and perimeter.
    5. The areas to be evacuated or cleared.

409.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

409.7.1 CONSIDERATIONS

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Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

a. Assess the scope of the incident, including the number of victims and extent of injuries.
b. Request additional personnel and resources, as appropriate.
c. Assist with first aid.
d. Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
e. Assist with the safe evacuation of victims, if possible.
f. Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
g. Preserve evidence.
h. Establish an outer perimeter and evacuate if necessary.
i. Identify witnesses.

409.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

409.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

409.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Crisis Intervention Incidents

410.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

410.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

410.2 POLICY

The Imperial County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

410.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

a. A known history of mental illness
b. Threats of or attempted suicide
c. Loss of memory
d. Incoherence, disorientation or slow response
e. Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
f. Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
g. Social withdrawal
h. Manic or impulsive behavior, extreme agitation, lack of control
i. Lack of fear
j. Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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410.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Division Chief Deputy to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

410.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

1. Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
2. Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
3. If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
4. Attempt to determine if weapons are present or available.
    1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
5. Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
6. Secure the scene and clear the immediate area as necessary.
7. Employ tactics to preserve the safety of all participants.
8. Determine the nature of any crime.
9. Request a supervisor, as warranted.
10. Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
11. If circumstances reasonably permit, consider and employ alternatives to force.

410.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

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Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person’s name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person’s verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

410.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

a. Whether the person relies on drugs or medication, or may have failed to take his/her medication.
b. Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.
c. Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

410.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

a. Attempt to secure appropriate and sufficient resources.
b. Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
c. Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

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d. Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
e. Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Chief Deputy.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

410.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

410.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

410.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

a. Members should treat all individuals equally and with dignity and respect.
b. If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
c. Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

410.11 EVALUATION

The Division Chief Deputy designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

410.12 TRAINING

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In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

410.13 CRISIS INTERVENTION TEAM

The Department utilizes a Crisis Intervention Team (CIT) that is trained to respond effectively and compassionately to individuals experiencing mental health or behavioral crises. The Sheriff shall appoint a CIT coordinator who is responsible for developing written procedures and protocols including but not limited to:

a. Selection criteria for CIT members, focusing on qualifications, mental health training, communication skills, and psychological suitability.
b. Deployment protocols that detail when and how the CIT is activated, including roles during crisis incidents and documentation requirements.
c. Provision and maintenance of necessary equipment and resources to support crisis response and safe interactions.
d. Initial and ongoing training requirements for CIT members.
    1. All training and readiness exercises shall be documented.
e. Operational procedures that include command structure, interagency coordination, communication protocols, and integration with other response units.
f. Partnership and collaboration with mental health providers, social services, and community organizations.
g. Post-incident debriefing and review to assess performance and identify lessons learned.

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Mental Illness Commitments

411.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

411.2 POLICY

It is the policy of the Imperial County Sheriff's Office to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

411.3 AUTHORITY

A deputy having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the deputy believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, deputies are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

a. An individual who is providing or has provided mental health treatment or related support services to the person
b. A family member
c. The person subject to the determination or anyone designated by the person

411.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a 5150 commitment, the deputy may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the deputies should:

a. Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
b. Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the person changes their mind regarding voluntary evaluation, deputies should proceed with the 5150 commitment, if appropriate.

411.4 CONSIDERATIONS AND RESPONSIBILITIES

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Any deputy handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

a. Available information that might assist in determining the cause and nature of the person's action or stated intentions.
b. Community or neighborhood mediation services.
c. Conflict resolution and de-escalation techniques.
d. Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Deputies should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

411.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the deputy shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The deputy taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the deputy shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

411.5 TRANSPORTATION

Transport for any individual for a 5150 commitment shall be conducted in accordance with the Transporting Persons in Custody Policy.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

411.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

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Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

411.7 DOCUMENTATION

The deputy shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for deputy involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

411.7.1 ADVISEMENT

The deputy taking a person into custody for evaluation shall advise the person of:

a. The deputy's name and agency.
b. The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
c. The name of the facility to which the person is being taken.
d. If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the deputy must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The deputy should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

411.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

a. Arrest the individual when there is probable cause to do so.

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b. Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
c. Facilitate the individual's transfer to jail.
d. Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

411.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling deputies should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling deputies shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Deputies shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see the Scientific Investigations Policy).

411.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling deputy has cause to believe that the future return of any confiscated weapon might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations Unit, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

411.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

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Mental Illness Commitments

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Cite and Release Policy

412.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

412.2 POLICY

It is the policy of the Imperial County Sheriff's Office to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the [Department/Office]’s mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

412.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing deputy shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

412.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting deputy should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

412.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

412.4 NON-RELEASE

412.4.1 REASONS FOR NON-RELEASE

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A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the [Department/Office] and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

1. The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
2. The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
3. The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
4. There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
5. The person could not provide satisfactory evidence of personal identification.
    1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
6. The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
7. There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
8. The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
9. There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
    1. Previous failure to appear is on record
    2. The person lacks ties to the area, such as a residence, job, or family
    3. Unusual circumstances lead the deputy responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
10. A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
11. There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau.

412.4.2 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

a. Misdemeanor domestic battery (Penal Code § 243(e)(1))
b. Felony domestic battery (Penal Code § 273.5)

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c. Serious or violent felonies (Penal Code § 1270.1(a)(1))
d. Felony intimidation of witnesses and victims (Penal Code § 136.1)
e. Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
f. Stalking (Penal Code § 646.9)
g. Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

412.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

a. The misdemeanor cited in the warrant involves violence.
b. The misdemeanor cited in the warrant involves a firearm.
c. The misdemeanor cited in the warrant involves resisting arrest.
d. The misdemeanor cited in the warrant involves giving false information to a peace deputy.
e. The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
f. The person requires medical examination or medical care or was otherwise unable to care for their own safety.
g. The person has other ineligible charges pending against themselves.
h. There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
i. The person refuses to sign the notice to appear.
j. The person cannot provide satisfactory evidence of personal identification.
k. The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

412.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Imperial County County codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigation Unit for further action including diversion.

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Arrest or Detention of Foreign Nationals

413.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Imperial County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

413.2 POLICY

The Imperial County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

413.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

a. Notify a supervisor.
b. Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.
c. Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
d. Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
e. Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.

413.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

1. Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

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2. All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
3. An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
    1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
4. The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
    1. Diplomatic-level staff of missions to international organizations and recognized family members
    2. Diplomatic agents and recognized family members
    3. Members of administrative and technical staff of a diplomatic mission and recognized family members
    4. Career consular officers, unless the person is the subject of a felony warrant
5. The following persons may generally be detained and arrested:
    1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
    2. Support staff of missions to international organizations
    3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
    4. Honorary consular officers
    5. Whenever a deputy arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the deputy shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

413.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

413.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)

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Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)

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Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

a. This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
b. Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
c. A small number of senior officers are entitled to be treated identically to diplomatic agents.
d. Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

414.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

414.2 POLICY

The Imperial County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

414.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

a. Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
b. Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.
c. Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
d. Whether the suspect can be contained or denied access to victims.
e. Whether the deputies have the ability to effectively communicate with other personnel or resources.
f. Whether planned tactics can be effectively deployed.
g. The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

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In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

414.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, deputies shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

414.4 CONSIDERATIONS

When dealing with a crisis situation members should:

a. Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
b. Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
c. Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
d. Attempt, if feasible and based upon the suspect’s actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

414.5 PLANNING

The Division Lieutenant should coordinate critical incident planning. Planning efforts should consider:

a. Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues, and sporting event venues.
b. Availability of building plans and venue schematics of likely critical incident target sites.
c. Communications interoperability with other law enforcement and emergency service agencies.
d. Training opportunities in critical incident target sites, including joint training with site occupants.
e. Evacuation routes in critical incident target sites.
f. Patrol first-response training.
g. Public communication protocols.
h. Command structure using the incident command system, including unified command.
i. Response coordination and resources of emergency medical and fire services.
j. Equipment needs, including provision and maintenance of necessary tactical and medical equipment.
k. Mutual aid agreements with other agencies.

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l. Coordination with private security providers in critical incident target sites.
m. Post-incident recovery, including victim support and after-action review

414.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

a. Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment venues, and sporting event venues.
b. Communications interoperability with other law enforcement and emergency service agencies.
c. Patrol first-response training, including patrol rifle, shotgun, breaching tool, and control device training.
    1. This should include the POST terrorism incident training required for deputies assigned to field duties (Penal Code § 13519.12).
d. First aid, including gunshot trauma.
e. Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

414.7 ANNUAL REVIEW

The Division Chief Deputy shall conduct a documented annual review of related policies and training. The report shall be submitted to the Sheriff.

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Immigration Violations

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Imperial County Sheriff's Office relating to immigration and interacting with federal immigration officials.

415.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

415.2 POLICY

It is the policy of the Imperial County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

415.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

415.4 IMMIGRATION INQUIRIES PROHIBITED

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

415.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

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Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

415.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

415.5 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

415.6 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations supervisor assigned to oversee the handling of any related case. The Investigations supervisor should:

1. Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
2. Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
3. Address the request and complete the certification or declaration, if appropriate, in a timely manner.
    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
    2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
    3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
    4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and

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Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)

4. Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
    1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
5. Inform the victim liaison of any requests and their status.

415.6.1 TIME FRAMES FOR COMPLETION

Deputies and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Deputies and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

415.6.2 REPORTING TO LEGISLATURE

The Investigations supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

415.6.3 POLICE REPORTS

Upon request, a deputy or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

415.7 DETENTIONS AND ARRESTS

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

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If the deputy has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

A deputy shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

A deputy should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

415.7.1 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

a. Transfer the person to federal authorities.
b. Transfer the person to jail.

415.8 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

a. Sending information to, or requesting or receiving such information from federal immigration officials
b. Maintaining such information in department records
c. Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

415.8.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

a. The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
b. The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
c. The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
d. The individual is a current registrant on the California Sex and Arson Registry.

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e. The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

415.8.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Imperial County Sheriff's Office intends to comply with the request (Government Code § 7283.1).

If the Imperial County Sheriff's Office provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

415.8.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Imperial County Sheriff's Office shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

415.8.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

a. Transfer is authorized by a judicial warrant or judicial probable cause determination.
b. The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
c. The individual is a current registrant on the California Sex and Arson Registry.
d. The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

415.8.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigations supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2) (see the Records Division Policy).

415.9 TRAINING

The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

a. Identifying civil versus criminal immigration violations.
b. Factors that may be considered in determining whether a criminal immigration violation has been committed.

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c. Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

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Reporting Police Activity Outside of Jurisdiction

416.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Imperial County Sheriff's Office.

416.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a deputy is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Sergeant. If the request is of an emergency nature, the deputy shall notify Dispatch before responding and thereafter notify a supervisor as soon as practical.

416.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Any on-duty deputy, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Imperial County shall notify his or her supervisor or the Sergeant at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction shall notify the Sergeant as soon as practical.

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Lieutenant.

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Emergency Utility Service

417.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Department. Requests for such service received by this department should be handled in the following manner.

417.1.1 BROKEN WATER LINES

The County's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility.Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practical by Dispatch.

417.1.2 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

417.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

417.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Dispatch.

417.2 TRAFFIC SIGNAL MAINTENANCE

The County of Imperial County contracts with a private maintenance company to furnish maintenance for all traffic signals within the County, other than those maintained by the State of California.

417.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise the Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Aircraft Accidents

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide [department/office] members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

418.2 POLICY

It is the policy of the Imperial County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

418.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

a. Protect persons and property.
b. Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
c. Preserve ground scars and marks made by the aircraft.
d. Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
e. Maintain a record of persons who enter the accident site.
f. Consider implementation of an Incident Command System (ICS).

418.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

418.5 NOTIFICATIONS

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When an aircraft accident is reported to this [department/office], the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

a. Fire department
b. Appropriate airport tower
c. Emergency medical services (EMS)

418.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

a. FAA.
b. Fire department, EMS or other assisting law enforcement agencies.
c. [Medical Examiner/JOP].
d. Air Carrier/Operators investigative teams with NTSB approval.
e. Appropriate branch of the military, when applicable.
f. Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this [department/office] will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene [department/office] supervisor should ensure the accident is still appropriately investigated and documented.

418.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

a. Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
b. Pressure vessels, compressed gas bottles, accumulators and tires.
c. Fluids, batteries, flares and igniters.
d. Evacuation chutes, ballistic parachute systems and composite materials.

418.8 DOCUMENTATION

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All aircraft accidents occurring within the County of Imperial County shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of ICSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

418.8.1 WRECKAGE

When reasonably safe, members should:

1. Obtain the aircraft registration number (N number) and note the type of aircraft.
2. Attempt to ascertain the number of casualties.
3. Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
    1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
4. Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
5. Acquire copies of any recordings from security cameras that may have captured the incident.

418.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

a. The location of the witness at the time of his/her observation relative to the accident site.
b. A detailed description of what was observed or heard.
c. Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
d. The names of all persons reporting the accident, even if not yet interviewed.
e. Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

418.9 MEDIA RELATIONS

The Public Information Officer ([PIO]) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The [PIO] should coordinate with other involved entities before the release of information.

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Field Training Officer Program

419.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy’s from the academic setting to the actual performance of general law enforcement duties of the Imperial County Sheriff's Office.

It is the policy of this department] to assign all new sheriffs deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

419.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training, and evaluating entry level and lateral sheriffs deputies in the application of their previously acquired knowledge and skills.

419.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

a. Desire to be an FTO
b. Minimum of four years of patrol experience, two of which shall be with this department
c. Demonstrated ability as a positive role model
d. Participate and pass an internal oral interview selection process
e. Evaluation by supervisors and current FTOs
f. Possess a POST Basic certificate

419.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

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419.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Chief Deputy or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

a. Assignment of trainees to FTOs
b. Conduct FTO meetings
c. Maintain and ensure FTO/trainee performance evaluations are completed
d. Maintain, update, and issue the Field Training Manual to each trainee
e. Monitor individual FTO performance
f. Monitor overall FTO Program
g. Maintain liaison with FTO coordinators of other agencies
h. Maintain liaison with academy staff on recruit performance during the academy
i. Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

419.4 TRAINEE DEFINED

Any entry level or lateral sheriff's deputy newly appointed to the Imperial County Sheriff's Office who has successfully completed a POST approved Basic Academy.

419.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete a POST-approved Field Training Program, consisting of a minimum of 10 weeks (Penal Code § 13515.295; 11 CCR 1004; 11 CCR 1005).

The training period for a lateral deputy may be modified depending on the trainee's demonstrated performance and level of experience. A lateral deputy may be exempt from the Field Training Program requirement if the deputy qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

419.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of their Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Imperial County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. They shall also become proficient with those skills as set forth in the manual.

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The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Imperial County Sheriff's Office. The Field Training Manual should include standardized evaluation guidelines used by FTOs to evaluate a new deputy's performance.

419.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

419.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

a. Complete and submit a written evaluation on the performance of their assigned trainee to the FTO Coordinator on a daily basis.
b. Review the Daily Trainee Performance Evaluations with the trainee each day.
c. Complete a detailed end-of-phase performance evaluation on their assigned trainee at the end of each phase of training.
d. Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

419.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

419.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

419.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

419.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

a. Daily Trainee Performance Evaluations
b. End-of-phase evaluations
c. A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

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Obtaining Air Support

420.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

420.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

420.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the California Highway Patrol, U.S. Marines Aero Squadron, the San Diego Sheriff's Office or the Border patrol. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

420.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

a. When the helicopter is activated under existing mutual aid agreements

b. Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard

c. When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

d. When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

e. Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.

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Contacts and Temporary Detentions

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

421.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person’s freedom of movement.

421.2 POLICY

The Imperial County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

421.3 FIELD INTERVIEWS

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Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Imperial County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

421.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

a. Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
b. Actions suggesting that he/she is engaged in a criminal activity
c. Presence in an area at an inappropriate hour of the day or night
d. Presence in a particular area is suspicious
e. Carrying of suspicious objects or items
f. Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
g. Location in proximate time and place to an alleged crime
h. Physical description or clothing worn that matches a suspect in a recent crime
i. Prior criminal record or involvement in criminal activity as known by the deputy

421.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

a. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
b. Where more than one suspect must be handled by a single deputy.
c. The hour of the day and the location or neighborhood where the stop takes place.
d. Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
e. The actions and demeanor of the suspect.
f. Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputyshould be positioned to ensure safety and should not be involved in the search.

421.5 FIELD PHOTOGRAPHS

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All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

421.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should have the individual read and sign the appropriate form accompanying the photograph.

421.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

421.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

a. If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
b. Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Bureau.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

421.5.4 SUPERVISOR RESPONSIBILITIES

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While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

421.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

a. Identifying all persons present at the scene and in the immediate area.
    1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
    2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
b. Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Imperial County Sheriff's Office members.
    1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Criminal Organizations

422.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Imperial County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

422.2 POLICY

The Imperial County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

422.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

a. Members using any such system are appropriately selected and trained.
b. Use of every criminal intelligence system is appropriately reviewed and audited.
c. Any system security issues are reasonably addressed.

422.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Division. Any supporting documentation for an entry shall be retained by the Records Division in

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accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the

Records Division are appropriately marked as intelligence information. The Records Division may not purge such documents without the approval of the designated supervisor.

422.3.2 GANG DATABASES

The Sheriff may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the department, the basis for that designation, and the name of the agency that made the designation. The department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Division after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Division supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

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422.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

422.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

a. Must only be included upon documented authorization of the responsible department supervisor.
b. Should not be originals that would ordinarily be retained by the Records Division or Scientific Investigations Division, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Communications Center (Dispatch) records or booking forms.
c. Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
d. May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

422.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

422.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

a. Gang indicia associated with a person or residence.
b. Information related to a drug-trafficking operation.
c. Vandalism indicating an animus for a particular group.
d. Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

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422.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

422.7 CRIMINAL STREET GANGS

The Investigations Division supervisor should ensure that there are an appropriate number of department members who can:

a. Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
    1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
    2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
    3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
b. Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
c. Train other members to identify gang indicia and investigate criminal street gang-related crimes.

422.8 TRAINING

The Training Manager should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

a. The protection of civil liberties.
b. Participation in a multi-agency criminal intelligence system.
c. Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
d. The type of information appropriate for entry into a criminal intelligence system or temporary information file.
e. The review and purging of temporary information files.

422.8.1 SHARED GANG DATABASE TRAINING

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The Training Manager should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the department (Penal Code § 186.36; 11 CCR 751.6).

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Watch Commanders

423.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

423.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Sergeant is unavailable for duty as Watch Commander, in most instances the senior qualified senior deputy shall be designated as acting Watch Commander. This policy does not preclude designating a less senior senior deputy as an acting Watch Commander when operational needs require or training permits.

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Mobile Audio/Video

424.1 PURPOSE AND SCOPE

In the instance the Imperial County Sheriff's Office has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

424.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio/Video (MAV) system- Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

424.2 POLICY

It is the policy of the Imperial County Sheriff's Office to use mobile audio and video technology, when available, to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

424.3 DEPUTY RESPONSIBILITIES

Prior to going into service, each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote location and reports in only periodically, additional recording media may be issued. Only Imperial County Sheriff's Office identified and labeled media with tracking numbers is to be used.

At the start of each shift, deputies should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the deputy recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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424.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded, the video will also record.

424.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

a. All field contacts involving actual or potential criminal conduct within video or audio range:
    1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
    2. Priority responses
    3. Vehicle pursuits
    4. Suspicious vehicles
    5. Arrests
    6. Vehicle searches
    7. Physical or verbal confrontations or use of force
    8. Pedestrian checks
    9. DWI/DUI investigations including field sobriety tests
    10. Consensual encounters
    11. Crimes in progress
    12. Responding to an in-progress call
b. All self-initiated activity in which a deputy would normally notify Dispatch
c. Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
    1. Domestic violence calls
    2. Disturbance of peace calls
    3. Offenses involving violence or weapons
d. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
e. Any other circumstance where the deputy believes that a recording of an incident would be appropriate

424.4.2 CESSATION OF RECORDING

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Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

424.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

424.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

a. Beginning and end-of-shift recording procedures are followed.
b. Logs reflect the proper chain of custody, including:
    1. The tracking number of the MAV system media.
    2. The date it was issued.
    3. The law enforcement operator or the vehicle to which it was issued.
    4. The date it was submitted.
    5. Law enforcement operators submitting the media.
    6. Holds for evidence indication and tagging as required.
c. The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to

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assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of a deputy.

424.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images, and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

a. By deputy for use when preparing reports or statements
b. By a supervisor investigating a specific act of deputy conduct
c. By a supervisor to conduct documented reviews of their subordinate's MAV media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review MAV media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
d. To assess proper functioning of MAV systems
e. By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation
f. By department personnel who request to review recordings
g. By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to their employment
h. By court personnel through proper process or with the permission of the Sheriff or the authorized designee
i. By the media through proper process
j. To assess possible training value
k. For training purposes. If an involved deputy objects to showing a recording, their objection will be submitted to the command staff to determine if the training value outweighs the deputy's objection.
l. As may be directed by the Sheriff or the authorized designee

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Lieutenant. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

424.6 DOCUMENTING MAV USE

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If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

424.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

424.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

424.7.2 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the Imperial County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

424.8 SYSTEM OPERATIONAL STANDARDS

a. MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
b. The MAV system should be configured to minimally record for 30 seconds prior to an event.
c. The MAV system may not be configured to record audio data occurring prior to activation.
d. Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating deputy's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
e. Deputies using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
f. With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

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g. Deputies shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
h. To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

424.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

a. Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
b. Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
    1. Ensures it is stored in a secure location with authorized controlled access.
    2. Makes the appropriate entries in the chain of custody log.
c. Erasing of media:
    1. Pursuant to a court order.
    2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
d. Assigning all media an identification number prior to issuance to the field:
    1. Maintaining a record of issued media.
e. Ensuring that an adequate supply of recording media is available.
f. Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

424.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

424.11 ANNUAL PROGRAM REVIEW

The MAV technician should complete an annual administrative review of the MAV program and provide it to the Sheriff for review.

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Mobile Data Computer Use

425.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the mobile data computer (MDT) system in order to ensure appropriate access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

425.1.1 DEFINITIONS

A. MDC '" MOBILE DATA Computer: A cruiser-mounted portable computer used by trained and certified department members for purposes of accessing CJIS, NCIC, CORI records, Pro Phoenix Records, sheriff's office information systems or other available information via secure access.

B. Accounts: All users are responsible for the proper use of the accounts, including proper password protection. Accounts will be created and assigned by the Account Administrator.

C. CJIS '" Criminal Justice Information System: The computerized network, services and applications that offers law enforcement agencies within the state and nationally secure access to state and interstate criminal history, driver and vehicle records, restraining orders and other important confidential data.

D. CLETS '" California Law Enforcement Telecommunications System: The computerized network that provides all California law enforcement user agencies with the capability of obtaining information directly from federal, state and local computerized information files. In addition, the system provides fast and efficient point to point delivery of messages between agencies. The California Department of Justice is the Administrator of this system.

E. CORI '" Criminal Offender Record Information: records and data in any communicable form compiled by a criminal justice agency which concern and identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation or release.

F. NCIC '" National Crime Information Center: Is a nationwide, computerized information system that assists law enforcement agencies perform their duties by providing and maintaining a computerized filing system of accurate and timely documented criminal justice information. This includes information on: wanted persons, stolen property, and criminal history. NCIC also maintains a locator type-files for missing and unidentified persons. The Federal Bureau of Investigation is the Administrator of this system.

425.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

425.3 MDC CONSIDERATIONS

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Confidentiality of Callers: MDCs will allow deputies assigned to the field access to the name, address and phone numbers of the person who called 9-1-1 or reporting party. However, citizens who call 9-1-1 do not always want to be identified for fear of retaliation or for other reasons. Deputies should be aware of the confidentiality issue and take extra precautions to protect the identity of the caller at all times. In the event responding deputies need additional information regarding a particular call, they shall request the Dispatcher contact the caller via the callback number to obtain such information instead of approaching the caller themselves. Additionally, deputies shall avoid two-way radio transmission of a caller's name, address and/or phone number.

Updated Computer Aided Dispatch (CAD) Information: Deputies responding to calls should be aware that CAD information is routinely supplemented and modified. Therefore to be certain that their actions are based on the most recent information, deputies should view call comments to obtain and read such information prior to exiting their cruisers.

Premise Information: All deputies should use the Spillman involvement information table to obtain and read any premise Information associated with an address before they exit their cruisers to enter that address.

Communications Conduct: Courteous and judicious use of transmission time is imperative in order to ensure the efficient and effective operation of the MDC system. Only essential information shall be transmitted by MDC, as excessive and unnecessary communications can be confusing and may cause misunderstandings. All transmissions must be clear, concise and accurate.

All deputies are advised that all MDC transmissions are recorded and, in some cases, may become public information. MDC transmissions, use and log files are subject to random and periodic audits made at the department's discretion. Personnel found to be making personal or inappropriate transmissions using MDCs are subject to disciplinary action. Examples of prohibited transmissions are, but are not limited to:

A. Unnecessary MDC transmissions are prohibited;

B. Transmissions on MDCs which are argumentative or involve the use of sarcasm, etcetera, are prohibited;

C. Use of profane and obscene language is prohibited; and

D. Logging onto an MD using someone else's access code or password is prohibited.

425.3.1 NON-FUNCTIONING MDC

A. General Use by Deputies.

1. Training: Prior to using the MDC unit, deputies will be trained how to use the equipment by the Department I.T. Unit or Field Training Officer (FTO) having previous experience in MDC operations.

2. Logging on: If their assigned unit is so equipped, deputies will log onto the MDC system prior to leaving the station to assume patrol duties.

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3. Logging Off: At the end of their shift, deputies shall log off the MDC system. Deputies shall also lock their cruisers or log off from MDC system if they will not be in /or in proximity of their vehicle. When the vehicle is left unoccupied, the deputy will ensure the MDC is logged out of the Pro Phoenix software.

4. Reporting MDC Malfunction:

a) It is the deputy's responsibility to immediately notify I.T. personnel if they do not have an MDC, if their MDC is not working (prior to assuming field duties), or if the MDC becomes inoperable during their shift.

b) It is the deputy's responsibility to notify the on-duty Patrol supervisor of any MDC malfunction. This notification shall occur no later than the end of the deputy's work shift.

c) It is the on-duty Patrol supervisor's responsibility to notify IT unit of software malfunction or Air Waves Communications of hardware malfunction and make arrangements for repairs.

5. MDC physical security: The MDC unit is to be locked in the cruiser at all times. Beverages will not be placed on /near the MDC or MDC keyboard. Only beverages with secure lids will be allowed in vehicles equipped with MDCs.

6. Officer Safety: Deputies shall never compromise their safety to operate the MDC unit, i.e. allowing citizens /suspects/prisoners to stand near the vehicle while using the MDC or using the MDC while a person is approaching.

B. CLETS, CJIS, NCIC and CORI Privacy and Security: as in all circumstances, information obtained via MDC should be considered as confidential and of the use of law enforcement personnel only. Deputies are reminded that all Criminal Offender Record Information (CORI) is confidential and protected by state law (PC 11105, 11141-11143, 13300 and 13302-13304). Government Code Section 6200 prescribes felony penalties for misuse of public record and CLETS information. Penal Code Section 502 prescribes the penalties relating to computer crimes and California Vehicle Code Section 1808.45 prescribes the penalties relating to misuse of Department of Motor Vehicle record information.

1. Queries into CLETS/CJIS/NCIC/CORI and local Pro Phoenix wants checks are limited to official law enforcement purposes only. Deputies operating vehicles equipped with an MDC will run their own inquiries such as registration, driver license, wanted person and stolen item (vehicles, firearms, articles, etc.) checks unless a potentially hazardous situation exists which prevents such an action.

2. Employees shall not make inquiries for information on a subject or property unless the person or property is in custody, under observation, or the information is needed to further an investigation.

3. Under no circumstances will any information be disseminated to a secondary party or be released for personal reasons.

4. Deputies are responsible for ensuring that the MDC screen is clear of confidential or sensitive information when a prisoner is in the vehicle to avoid the release of such information. MDC information shall be considered confidential and deputies shall secure their vehicle and MDC to preclude unauthorized use or tampering.

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C. Services Calls/Operations Use.

1. Deputies will log on in service on their MDC and over the radio;

2. Receive non-emergency calls for service via MDC;

3. Inform dispatch of arrival to assignment by transmitting appropriate MDC code;

4. Check vehicles, warrants, premise and subject history/involvement information via MDC unless a potentially hazardous situation exists which prevents such an action;

5. Clear assignment and enter proper codes and CAD comments by transmitting the appropriate MDC codes;

6. Communicate all self-initiated low priority on-sight incidents (out with abandoned or unoccupied vehicle, patrol checks, starting and ending mileage, 10-6 follow-up, 10-6 L.E. stations, 10-6 fuel, code 7, etc...);

7. Attempt To Locate (ATL's): ATL messages received and dispatched by the Communications Unit Personnel will also be sent over the MDC system to on-duty deputies equipped with MDCs.

8. Report off-duty status to dispatch over radio and by logging off-duty via MDC.

425.4 MDC USE

The MDC shall be used for official sheriffs communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Sergeant.

425.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

425.4.2 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the sheriffs radio or through the MDC system.

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Deputies responding to in-progress calls shall advise changes in status verbally over the radio to assist other deputies responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC's.

425.5 POLICY

Imperial County Sheriff's Office members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

425.6 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Lieutenants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

425.7 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Lieutenant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the Sheriff's radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

a. All contacts or activity shall be documented at the time of the contact.
b. Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
c. Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

425.7.1 EMERGENCY ACTIVATION

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If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Duty Officer are notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the Sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

425.8 EQUIPMENT CONSIDERATIONS

425.8.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MD is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the Sheriff's radio.

425.8.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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Medical Marijuana

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this [department/office] with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

426.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient' s housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

426.2 POLICY

It is the policy of the Imperial County Sheriff's Office to prioritize resources to forgo making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

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California’s medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Imperial County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

426.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

a. Investigations when no person makes a medicinal claim.
b. Investigations when a medicinal claim is made by a cardholder.
c. Investigations when a medicinal claim is made by a non-cardholder.

426.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the deputy should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

426.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

a. The information contained in the card is false or falsified.
b. The card has been obtained or used by means of fraud.
c. The person is otherwise in violation of the provisions of the MMP.
d. The person possesses marijuana but not for personal medical purposes.

Deputies who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient’s medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

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426.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the deputy reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Deputies are not obligated to accept a person’s claim of having a physician’s recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person’s medical-use claim.

Deputies should review any available written documentation for validity and whether it contains the recommending physician’s name, telephone number, address and medical license number for verification.

Deputies should generally accept verified recommendations by a physician that statutory amounts do not meet the patient’s needs (Health and Safety Code § 11362.77).

426.3.4 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

a. Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
    1. The suspect has been identified and can be easily located at a later time.
    2. The case would benefit from review by a person with expertise in medical marijuana investigations.
    3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
    4. Other relevant factors, such as available [department/office] resources and time constraints prohibit making an immediate arrest.
b. Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, deputies should consider the following when determining whether the form and amount is reasonably related to the patient’s needs:
    1. The amount of marijuana recommended by a medical professional to be ingested.
    2. The quality of the marijuana.
    3. The method of ingestion (e.g., smoking, eating, nebulizer).
    4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
    5. Whether the marijuana is being cultivated indoors or outdoors.
c. Before proceeding with enforcement related to collective gardens or dispensaries, deputies should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may

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be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

d. Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

426.3.5 EXCEPTIONS

This policy does not apply to, and deputies should consider taking enforcement action for the following:

a. Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

b. Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

c. Smoking marijuana (Health and Safety Code § 11362.79):

    1. In any place where smoking is prohibited by law.

    2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.

    3. On a school bus.

    4. While in a motor vehicle that is being operated.

    5. While operating a boat.

d. Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

426.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Deputies should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

426.4 FEDERAL LAW ENFORCEMENT

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Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

426.5 EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES

The Evidence Room supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Evidence Room supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Room supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Evidence Room supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit supervisor.

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Public Recording of Law Enforcement Activity

427.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

427.2 POLICY

The Imperial County Sheriff's Office recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

427.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

1. Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
2. Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
    1. Tampering with a witness or suspect.
    2. Inciting others to violate the law.
    3. Being so close to the activity as to present a clear safety hazard to the deputies.
    4. Being so close to the activity as to interfere with a deputy’s effective communication with a suspect or witness.
3. The individual may not present an undue safety risk to the deputies, him/herself or others.

427.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific

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enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

427.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

a. Request any additional assistance as needed to ensure a safe environment.
b. Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
c. When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
d. Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
e. Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

427.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

1. There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
    1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
2. There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
3. The person consents.
    1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
    2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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First Amendment Assemblies

428.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

428.2 POLICY

The Imperial County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

428.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

a. Engage in assembly or demonstration-related discussion with participants.
b. Harass, confront or intimidate participants.
c. Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe department members under their command to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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428.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

428.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

428.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

428.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

428.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

a. Command assignments, chain of command structure, roles and responsibilities.
b. Staffing and resource allocation.
c. Management of criminal investigations.
d. Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
e. Deployment of specialized resources.
f. Event communications and interoperability in a multijurisdictional event.
g. Liaison with demonstration leaders and external agencies.
h. Liaison with County government and legal staff.
i. Media relations.
j. Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
k. Traffic management plans.
l. First aid and emergency medical service provider availability.
m. Prisoner transport and detention.
n. Review of policies regarding public assemblies and use of force in crowd control.
o. Parameters for declaring an unlawful assembly.
p. Arrest protocol, including management of mass arrests.
q. Protocol for recording information flow and decisions.
r. Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
s. Protocol for handling complaints during the event.
t. Parameters for the use of body-worn cameras and other portable recording devices.

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428.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

428.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he /she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

428.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

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428.8 ARRESTS

The Imperial County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

a. Reasonable measures to address the safety of deputies and arrestees.
b. Dedicated arrest, booking and report writing teams.
c. Timely access to medical care.
d. Timely access to legal resources.
e. Timely processing of arrestees.
f. Full accountability for arrestees and evidence.
g. Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

428.9 MEDIA RELATIONS

The Press Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

428.9.1 MEDIA ACCESS

If deputies close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, deputies shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

428.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

428.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

a. Operational plan

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b. Any incident logs
c. Any assignment logs
d. Vehicle, fuel, equipment and supply records
e. Incident, arrest, use of force, injury and property damage reports
f. Photographs, audio/video recordings, Dispatch records/tapes
g. Media accounts (print and broadcast media)

428.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

a. Date, time and description of the event
b. Actions taken and outcomes (e.g., injuries, property damage, arrests)
c. Problems identified
d. Significant events
e. Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

428.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Deputies should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

428.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by deputies who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including a deputy, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

a. De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
b. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
c. Individuals are given an objectively reasonable opportunity to disperse and leave the scene.

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d. An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
e. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
f. Deputies shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
g. An objectively reasonable effort has been made to extract individuals in distress.
h. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
i. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
j. Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
    1. A violation of an imposed curfew.
    2. A verbal threat.
    3. Noncompliance with a law enforcement directive.
k. If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

428.13.1 USE SUMMARY

The Operations Chief Deputy or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

428.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Deputy response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

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Civil Disputes

429.1 PURPOSE AND SCOPE

This policy provides members of the Imperial County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

429.2 POLICY

The Imperial County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

429.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

a. Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
b. Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
c. Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
d. Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
e. Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

429.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a

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report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

a. The person's knowledge of the court order or whether proof of service exists.
b. Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

429.4.1 STANDBY REQUESTS

Deputy responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

429.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

429.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Suspicious Activity Reporting

430.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

430.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

430.2 POLICY

The Imperial County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

430.3 RESPONSIBILITIES

The Investigation Division Chief and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for [department/office] participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Division Chief include, but are not limited to:

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a. Remaining familiar with those databases available to the [Department/Office] that would facilitate the purpose of this policy.
b. Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
c. Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
d. Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the [Department/Office].
e. Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
f. Coordinating investigative follow-up, if appropriate.
g. Coordinating with any appropriate agency or fusion center.
h. Ensuring that, as resources are available, the [Department/Office] conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

430.4 REPORTING AND INVESTIGATION

Any [department/office] member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

430.5 HANDLING INFORMATION

The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Investigation Unit supervisor
- Crime Analysis Unit
- Other authorized designees

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Medical Aid and Response

431.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

431.2 POLICY

It is the policy of the Imperial County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

431.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

a. The location where EMS is needed.
b. The nature of the incident.
c. Any known scene hazards.
d. Information on the person in need of EMS, such as:
    1. Signs and symptoms as observed by the member.
    2. Changes in apparent condition.
    3. Number of patients, sex, and age, if known.
    4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
    5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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431.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

431.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

431.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

431.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Operations Chief Deputy should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

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- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

431.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

431.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

431.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

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431.8.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

The Training Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100027.05).

431.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Business and Professions Code § 4119.9).

431.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

431.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Lieutenant will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

431.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100027.03 and any applicable POST standards.

431.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

431.9.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

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431.10 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS

The Operations Chief Deputy may authorize the acquisition of epinephrine auto-injectors for use by department members as provided by Health and Safety Code § 1797.197a. The Training Manager shall create and maintain an operations plan for the storage, maintenance, use and disposal of epinephrine auto-injectors as required by Health and Safety Code § 1797.197a(f).

Trained members who possess valid certification may administer an epinephrine auto-injector for suspected anaphylaxis (Health and Safety Code § 1797.197a(b); 22 CCR 100027.03).

431.10.1 EPINEPHRINE USER RESPONSIBILITIES

Members should handle, store and administer epinephrine auto-injectors consistent with their training and the Department operations plan. Members should check the auto-injectors at the beginning of their shift to ensure the medication is not expired. Any expired medication should be removed from service in accordance with the Department Operations Plan.

Any member who administers an epinephrine auto-injector medication should contact Dispatch as soon as possible and request response by EMS (Health and Safety Code § 1797.197a(b)).

431.10.2 EPINEPHRINE AUTO-INJECTOR REPORTING

Any member who administers an epinephrine auto-injector should detail its use in an appropriate report.

The Lieutenant should ensure that the Records Supervisor is provided enough information for required reporting to the EMS Authority within 30 days after each use (Health and Safety Code § 1797.197a(f)).

Records regarding the acquisition and disposition of epinephrine auto-injectors shall be maintained pursuant to the established records retention schedule but no less than three years (Business and Professions Code § 4119.4(d)).

431.10.3 EPINEPHRINE AUTO-INJECTOR TRAINING

The Training Manager should ensure that members authorized to administer epinephrine auto-injectors are provided with initial and refresher training that meets the requirements of Health and Safety Code § 1797.197a(c) and 22 CCR 100027.03.

431.11 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the Deputy has reason to believe the arrestee is feigning injury or illness, the Deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the Deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

Nothing in this section should delay a Deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the Deputy's training.

431.11.1 HOSPITAL SECURITY AND CONTROL

Deputies who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with department protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The Operations Chief Deputy should develop protocols related to the following:

a. Providing security and control during an examination or treatment, including:
    1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
    2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)
b. Responsibility for continuing security and control if the person in custody is admitted to the hospital
    1. This should include transferring custody of the person to an appropriate agency.

431.12 FIRST-AID TRAINING

The Training Manager should ensure Deputies receive initial first-aid training within one year of employment and refresher training every two years thereafter (22 CCR 100026.03; 22 CCR 100027.06).

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Automated License Plate Readers (ALPRs)

432.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

432.2 POLICY

The policy of the Imperial County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

432.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Imperial County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by a Chief Deputy. TheChief Deputy will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

432.3.1 ALPR ADMINISTRATOR

The Chief Deputy shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

a. A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
b. Training requirements for authorized users.
c. A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
d. Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
e. The title and name of the current designee in overseeing the ALPR operation.
f. Working with the Custodian of Records on the retention and destruction of ALPR data.
g. Ensuring this policy and related procedures are conspicuously posted on the department's website.

432.4 OPERATIONS

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Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

a. An ALPR shall only be used for official law enforcement business.
b. An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
c. While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
d. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
e. No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
f. If practicable, the deputy should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

432.5 DATA COLLECTION AND RETENTION

The Chief Deputy is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

432.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Imperial County Sheriff's Office will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

a. All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login /password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
b. Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
c. ALPR system audits should be conducted on a regular basis.

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For security or data breaches, see the Records Release and Maintenance Policy.

432.7 RELEASING ALPR DATA

The ALPR data may be shared only with public agencies and only as otherwise permitted by law (Civil Code § 1798.90.55).

For purposes of this section, a public agency is limited to California state or local agencies, including law enforcement agencies, and does not include out-of-state or federal law enforcement agencies (Civil Code § 1798.90.5).

The following procedures are guidelines for ALPR requests:

1. The agency makes a written request for the ALPR data that includes:
    1. The name of the agency.
    2. The name of the person requesting.
    3. The intended purpose of obtaining the information.
2. The request is reviewed by the Chief Deputy or the authorized designee and approved before the request is fulfilled.
3. The approved request is retained on file.

Requests for ALPR data by non-California public agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

432.8 TRAINING

The Training Manager should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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Body-Worn Cameras

433.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media.

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

433.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

433.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

A violation of this policy subjects the member to discipline (Penal Code § 832.18) (see the Personnel Complaints Policy).

433.3 RESPONSIBILITIES

433.3.1 BWC COORDINATOR RESPONSIBILITIES

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The Sheriff or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include (Penal Code § 832.18):

a. Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
b. Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department and recording the date each BWC is placed into or taken out of service.
c. Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
    1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
d. Managing BWC media systems so that:
    1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
    2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
e. Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
f. Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.
g. Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
h. Coordinating with the community relations coordinator to (see the Community Relations Policy):
    1. Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages).
    2. Gain insight into community expectations regarding BWC use.
i. Coordinating with the Records Supervisor to (see the Records Division and Records Maintenance and Release policies):
    1. Determine and apply proper retention periods to BWC media. Agency legal counsel should be consulted in determining retention periods.
    2. Develop procedures for the appropriate release of BWC media.
j. Coordinating with the Scientific Investigations Unit to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Scientific Investigations Unit Policy).
k. Establishing a system to prevent tampering with, deleting, or copying recordings, and to ensure chain of custody integrity.
l. Designating the persons responsible for downloading the recorded data from the BWC.
m. Completing an annual administrative review of the BWC program and providing it to the Sheriff for review.

433.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance (Penal Code § 832.18).

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At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order.

Members should wear their assigned BWC on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement.

433.4 BWC USE

The following guidelines apply to the use of BWCs:

a. Only department-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Sheriff or the authorized designee.
b. BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
c. The use of department-issued BWCs shall be strictly limited to department-related activities (Penal Code § 832.18).
d. Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
e. Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Sheriff.

433.4.1 PROHIBITIONS

BWCs should not be used to record:

a. Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
b. Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
c. Conversations of other members without their knowledge.
d. When a member is taking an authorized break or otherwise engaged in personal activities.
e. In a courtroom unless responding to a call for service or emergency situation.
f. Interactions with undercover deputies or confidential informants.
g. Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

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433.5 ACTIVATION OF BWC

Members should activate their BWC during all calls for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

433.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

433.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also deactivate their BWC:

a. To protect the privacy of a victim or witness.
b. When an individual wishes to provide information anonymously.
c. To avoid recording a confidential informant or undercover deputy.
d. When discussing case tactics or strategy.
e. During private conversations with other members or emergency responders.

Before deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should reactivate their BWC and verbally note that recording has resumed.

433.5.3 LIVESTREAMING

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Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and dispatchers approved by the Sheriff or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

a. For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.
b. To assist with situational awareness or tactical decisions during a significant incident.
c. When requested by the member.

433.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

a. To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
b. An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
c. Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
d. Any period of the event in which the member deactivated or muted their BWC and the reason for such action.
e. If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

433.6 DOWNLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly downloaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be downloaded and tagged as soon as practicable upon returning to the Department (Penal Code § 832.18).

Following an officer involved shooting or death or other event deemed necessary, the OIS team should take possession of the BWC for each member present and download and tag the BWC media if the storage system does not have automatic downloading capacity (Penal Code § 832.18).

433.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon downloading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media,

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it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

a. An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
b. When a member has sustained a serious injury or a line-of-duty death has occurred.
c. When a firearm discharge or use of force incident has occurred.
d. An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly downloaded and tagged by their subordinates.

433.7 BWC MEDIA

All BWC media is the sole property of the Department (Penal Code § 832.18). Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Sheriff or the authorized designee (Penal Code § 832.18).

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Sheriff or the authorized designee (Penal Code § 832.18).

BWC media systems should not be accessed using personal devices unless authorized by the Sheriff or the authorized designee.

433.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

a. BWC media tagged as restricted should only be accessible by those designated by the Sheriff or the authorized designee.
b. Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.
c. Investigators may review BWC media pertaining to their assigned cases.

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d. A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
e. Supervisors are permitted to access and view BWC media of their subordinates.
    1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
    2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
    3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
f. The Administrative Investigations Unit is permitted to access and view BWC media for training purposes.
    1. The Administrative Investigations Unit should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Instructors may review BWC media as part of their review to identify training needs.
    2. The Training Instructors may use BWC media for training purposes with the approval of the Sheriff or the authorized designee. The Training Instructors should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
g. The Records Supervisor may access BWC media when necessary to conduct department-related duties.
h. The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

433.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

a. A private residence.
b. A facility that offers health care, mental health or substance abuse treatment, or social services.
c. A school building.
d. Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Records Supervisor should review BWC media before public release.

433.8 RETENTION OF BWC MEDIA

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Non-evidentiary BWC media should be retained for a minimum of 60 days, after which it may be erased, destroyed, or recycled. Non-evidentiary media may be kept for more than 60 days for availability in case of a civilian complaint and to preserve transparency (Penal Code § 832.18).

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Sheriff or the authorized designee.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

433.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Scientific Investigations Unit Policy).

Evidentiary BWC media should be retained for a minimum of two years under the following circumstances (Penal Code § 832.18):

a. The recording is of an incident involving the use of force by a deputy or an officer-involved shooting.
b. The recording is of an incident that leads to the detention or arrest of an individual.
c. The recording is relevant to a formal or informal complaint against a deputy or the Imperial County Sheriff's Office.

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

433.9 TRAINING

All deputies shall receive annual training on this policy.

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

a. Proper use of the BWC device and accessories.
b. When BWC activation is required, permitted, and prohibited.
c. How to respond to an individual's request to stop recording.
d. Proper use of the BWC media systems, including downloading and tagging procedures.
e. Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

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Foot Pursuits

434.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

434.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that deputies must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

434.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Deputies may be justified in initiating a foot pursuit of any individual the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

a. Containment of the area.
b. Saturation of the area with law enforcement personnel, including assistance from other agencies.
c. A canine search.

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d. Thermal imaging or other sensing technology.
e. Air support.
f. Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

434.3 GENERAL GUIDELINES

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

a. Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
b. The deputy is acting alone.
c. Two or more deputies become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place.
d. The deputy is unsure of his/her location and direction of travel.
e. The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
f. The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.
g. The deputy loses radio contact with the dispatcher or with assisting or backup deputies.
h. The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
i. The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
j. The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.
k. The deputy loses possession of his/her firearm or other essential equipment.
l. The deputy or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
m. The suspect’s location is no longer definitely known.
n. The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
o. The deputy’s ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

434.4 RESPONSIBILITIES IN FOOT PURSUITS

434.4.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit.

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Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

a. Location and direction of travel
b. Call sign identifier
c. Reason for the foot pursuit, such as the crime classification
d. Number of suspects and description, to include name if known
e. Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects or members of the public.

434.4.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

434.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; however, the supervisor need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing odeputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

434.4.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

a. Clearing the radio channel of non-emergency traffic.
b. Coordinating pursuit communications of the involved deputies.

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c. Broadcasting pursuit updates as well as other pertinent information as necessary.
d. Ensuring that a field supervisor is notified of the foot pursuit.
e. Notifying and coordinating with other involved or affected agencies as practicable.
f. Notifying the Sergeant as soon as practicable.
g. Assigning an incident number and logging all pursuit activities.

434.5 REPORTING REQUIREMENTS

The initiating deputy shall complete appropriate crime/arrest reports documenting, at minimum:

a. Date and time of the foot pursuit.
b. Initial reason and circumstances surrounding the foot pursuit.
c. Course and approximate distance of the foot pursuit.
d. Alleged offenses.
e. Involved vehicles and deputies.
f. Whether a suspect was apprehended as well as the means and methods used.
    1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
g. Arrestee information, if applicable.
h. Any injuries and/or medical treatment.
i. Any property or equipment damage.
j. Name of the supervisor at the scene or who handled the incident.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

434.6 POLICY

It is the policy of this department that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

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Homeless Persons

435.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Imperial County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Imperial County Sheriff's Office will address these needs in balance with the overall mission of this department. Therefore, deputies will consider the following when serving homeless community.

435.1.1 POLICY

It is the policy of the Imperial County Sheriff's Office to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

435.2 FIELD CONTACTS

OffiDeputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

435.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

a. Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
b. Document places the homeless person may frequent.
c. Provide homeless victims with victim/witness resources when appropriate.
d. Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
e. Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.

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f. Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
g. Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

435.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property.

When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Sergeant.

435.4 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

435.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance (Vehicle Code § 41603). The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.2.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.2.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

a. Explanation of the violation or charge

b. Court appearance procedure including the optional or mandatory appearance by the motorist

c. Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.2.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

a. Vehicular manslaughter

b. Felony and misdemeanor driving under the influence of alcohol/drugs

c. Felony or misdemeanor hit-and-run

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d. Refusal to sign notice to appear

e. Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

500.3 SUSPENDED OR REVOKED DRIVERS LICENSES

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the deputy. The deputy shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The deputy will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

500.4.2 EXCEPTION TO WEARING VESTS

Several unique incident types may be encountered where the donning of a highway safety vest may actually increase risk of injury for the Sheriff's Office employee or where wearing of a vest may in fact be otherwise impractical. Under these limited situations, the requirement for donning ANSI-compliant vests by employees directly involved in a hazard area or "Hot Zone" activities is modified.

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The exemptions for wearing a highway safety vest applies only to employees directly involved in activities within an established "Hot Zone" and only when the "Hot Zone" is protected from the hazards of moving traffic by traffic blocking apparatus, lane closures, etc.

The required ANSI-compliant Highway Safety vest need not be worn when an employee is required to;

1) Don hazardous material personal protective equipment to avoid potential exposure to chemicals or other contaminants, or

2) Engaged in a high risk situation such as a felony stop, barricaded subject, hostage situation, etc.

3) Don tactical equipment to respond to high risk situations as described above.

4) Safety vest need not be worn while conducting enforcement stops.

All employees on-scene performing duties or involved at activities other than those listed above are required to don ANSI-compliant vests when working in or near moving traffic.

Employees directly involved in Haz-Mat or tactical activities as listed above who complete their activities within the designated Hot Zone are required to don ANSI-compliant vests once their activities within the Hot Zone are completed and remain on scene to conduct traffic control.

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Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Imperial County Sheriff's Office prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 RESPONSIBILITY

The Boating Supervisor will be responsible for distribution of the Collision Investigation Manual. The Boating Supervisor will receive all changes in the state manual and ensure conformity with this policy.

501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Boating Supervisor will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Operations Division Chief, or other persons as required.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Chief.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.4.2 TRAFFIC COLLISIONS WITH SHERIFF'S DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Imperial County Sheriff's Office resulting in a serious injury or fatality, the Boating Supervisor or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

501.4.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

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The Boating Supervisor or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

a. When there is a death or injury to any persons involved in the collision

b. When there is an identifiable violation of the Vehicle Code

c. When a report is requested by any involved driver

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Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Imperial County Sheriff's Office. Nothing in this policy shall require the department to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to be given to the tow truck operator and the original shall be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

502.2.2 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the department will not be responsible for theft or damages.

502.2.3 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

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Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the deputy shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The deputy shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the deputy shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

502.2.4 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Imperial County Sheriff's Office should not be driven by department personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.5 DISPATCHER’S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

502.2.6 RECORDS DIVISION RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Division to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by mail as applicable and as provided in Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), and Vehicle Code § 14602.6(a)(2). The notice shall include the following (Vehicle Code § 22852(b)):

a. The name, address, and telephone number of this Department
b. The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage

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c. The authority and purpose for the removal of the vehicle
d. A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice

502.2.7 RECORDS BUREAU RESPONSIBILITIES

Records personnel shall search for relevant CHP-180 form uploaded to the crime report file for vehicle release requests.

502.2.8 PROFESSIONAL TECHNICAL EMPLOYEE RESPONSIBILITIES

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the on duty Professional Technical Employee (PTE) to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

a. The name, address, and telephone number of this department.
b. The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
c. The authority and purpose for the removal of the vehicle.
d. A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

502.3 TOWING SERVICES

The County of Imperial periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

a. When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
b. When a vehicle is being held as evidence in connection with an investigation.
c. When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in department custody, to provide for the safety of deputies, and to protect the department against fraudulent claims of lost, stolen, or damaged property.

502.5 SECURITY OF VEHICLES AND PROPERTY

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Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6 RELEASE OF VEHICLE

The department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

a. Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
b. Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
c. A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
    1. The vehicle was stolen.
    2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
    3. Any other circumstance as set forth in Vehicle Code § 14602.6.
    4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
d. An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651 (o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

502.7 TOWING FOR EXPIRED REGISTRATION

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Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

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Vehicle Storage Responsibilities

503.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the procedure to comply with Vehicle Code § 22852(b) regarding notice of a stored vehicle.

503.2 PROCEDURE

Section 22852(b): A notice of storage shall be mailed or personally delivered to the registered and legal owners within 48 hours, excluding weekends and holidays, and shall include all of the following information;

a. All deputies of this department who store or impound vehicles shall complete and submit the CHP 180 form to their supervisor for approval, and shall upload a photocopy of the CHP 180 form and Notice of Stored Vehicle formto the relevant crime report file prior to the end of shift. The supervisor will then submit the CHP 180 form to the administrative professional technical employee (PTE) working in the area in which the vehicle was stored i.e., Winterhaven, North County Operations, and South County Operations.
b. The storing deputies shall ensure that the CHP 180 form is completely filled out, including the legal owner information. All boxes will be filled out with the appropriate information or with N/A (Not applicable).
c. If the driver or occupant of the stored/impounded vehicle is either the registered or the legal owner of the vehicle, the storing deputy may comply with 22852(b) by serving him/her one of the 8 1/5" x 7" inserts of the CHP 180 form. The deputy will then complete the box at the top of the CHP 180 form indicating, "Notice of stored vehicle delivered personally". It is necessary to note which party was served, either the registered owner or the legal owner.
d. The PTE will immediately process the CHP 180 form to ensure the Notice of Stored Vehicle form is mailed within 48 hours after receiving it.
e. The Brawley Sub-Station, Winterhaven Sub-Station, and South County Investigations will be provided with adequate postage and PS Form 3817 (certified mail receipt) from Fiscal to expedite this process. These stations will develop and maintain logs to account for the disbursements of these items.
f. The PS Form 3817 will be taken to the U.S. Post Office where a postal worker will stamp it or provide to Fiscal for mailing. The envelopes that contain the 8 1/5" x 7" inserts of the CHP 180 form and/or Notice of Stored Vehicle form will be mailed to both the registered and legal owners, if necessary. The PS Form 3817 will then be returned to the PTE who will upload it in the crime report file. This process will document that our department has complied with 22852(b) CVC.
g. When the PTE completes this process, she/he willmark "Yes" to "Required Notices sent to Registered and Legal Owners Per 22852?" in the lower right hand corner of the CHP 180 form.
h. If either of these notices are returned the department, the PTE will repeat the process, this time addressing the information to the Department of Justice Stolen Vehicle System and notifying the public garage in which the vehicle may be stored, refer to 22853(a),(b),(c) CVC.

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It is important to note that notification of the storage of a vehicle shall be sent within 48 hours. Failure to comply with this will result in unnecessary costs to the county and/or the registered/legal owner. **This policy applies to all deputies from this department, including those assigned to specialized details.**

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Vehicle Impound Hearings

504.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

504.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Imperial County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852 (c)).

504.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Boating Supervisor will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

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The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602. 6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

a. If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

b. If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).

c. If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Chief. The hearing officer will recommend to the appropriate Division Chief that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

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Impaired Driving

505.1 PURPOSE AND SCOPE

This policy provides guidance to those [department/office] members who play a role in the detection and investigation of driving under the influence (DUI).

505.2 POLICY

The Imperial County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California’s impaired driving laws.

505.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

The Boating Supervisor will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

a. The field sobriety tests (FSTs) administered and the results.
b. The deputy’s observations that indicate impairment on the part of the individual, and the deputy’s health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
c. Sources of additional information (e.g., reporting party, witnesses) and their observations.
d. Information about any audio and/or video recording of the individual’s driving or subsequent actions.
e. The location and time frame of the individual’s vehicle operation and how this was determined.
f. Any prior related convictions in California or another jurisdiction.

505.4 FIELD TESTS

The Boating Supervisor should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

505.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

a. The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

b. The person is under 21 years of age and is arrested by a deputy having reasonable cause to believe that the person’s blood alcohol content is 0.05 or more (Vehicle Code § 23140).

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c. The person is under 21 years of age and detained by a deputy having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

d. The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

505.5.1 CHOICE OF TESTS

Deputies shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the deputy shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the deputy may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

505.5.2 BREATH SAMPLES

The Boating Supervisor should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Boating Supervisor.

When the arrested person chooses a breath test, the handling deputy shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The deputy should also require the person to submit to a blood test if the deputy has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the deputy’s belief shall be included in the deputy’s report (Vehicle Code § 23612(a)(2)(C)).

505.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

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Deputies should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

505.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

505.5.5 STATUTORY NOTIFICATIONS

Deputies requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

505.5.6 PRELIMINARY ALCOHOL SCREENING

Deputies may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The deputy shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The deputy shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

505.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If a deputy lawfully detains a person under 21 years of age who is driving a motor vehicle and the deputy has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the deputy shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the deputy may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the deputy shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

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505.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, deputies should:

a. Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
b. Audio- and/or video-record the admonishment when it is practicable.
c. Document the refusal in the appropriate report.

505.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

a. A search warrant has been obtained (Penal Code § 1524).

b. The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

505.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

1. Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
2. Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
3. Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance.
    1. This dialogue should be recorded on audio and/or video if practicable.
4. Ensure that the blood sample is taken in a medically approved manner.
5. Ensure the forced blood draw is recorded on audio and/or video when practicable.
6. Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
    2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
    3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
7. Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

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If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

505.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

505.7 RECORDS BUREAU RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

505.8 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

505.9 TRAINING

The Training Deputy should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Deputy should confer with the prosecuting attorney's office and update training topics as needed.

505.10 ARREST AND INVESTIGATION

505.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to deputies pursuant to Penal Code § 836, a deputy may make a warrantless arrest of a person that the deputy has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

a. The person is involved in a traffic crash.
b. The person is observed in or about a vehicle that is obstructing the roadway.
c. The person will not be apprehended unless immediately arrested.
d. The person may cause injury to themselves or damage property unless immediately arrested.
e. The person may destroy or conceal evidence of a crime unless immediately arrested.

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505.10.2 DEPUTY RESPONSIBILITIES

The deputy serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

a. Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
b. Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
c. Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

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Traffic Citations

506.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

506.2 RESPONSIBILITIES

The Boating Supervisor shall be responsible for the development and design of all [Department/Office] traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this [department/office].

506.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this [department/office] do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Manager may request the Operations Division Chief to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Division Chief for review.

506.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Bureau.

506.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Bureau. The Traffic Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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506.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this [department/office] shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with this [department/office], all employees issued traffic citation books shall return any unused citations to the Records Bureau.

506.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

506.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

a. Administrative reviews are conducted by the Traffic Bureau who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Imperial County Sheriff's Office. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
b. If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
c. If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

506.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

a. Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
b. Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
c. An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
d. Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

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506.7.3 COSTS

a. There is no cost for an administrative review.
b. Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
c. An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

506.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

507.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

507.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

507.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

507.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

507.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

507.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

507.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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72-Hour Parking Violations

508.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Imperial County County Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

508.2 MARKING VEHICLES

Vehicles suspected of being in violation of the County of Imperial County 72-Hour Parking Ordinance shall be marked and recordedin the Imperial County Sheriff's OfficeSpillman Field Interview (FI) file.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the FI record. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a FI record.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

508.2.1 MARKED VEHICLE FILE

A Spillman Field Interview record shall be gererated for all Marked Vehicles, entering all vehicles into the Spillman Vehicle Table.

508.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the deputy authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Bureau immediately following the storage of the vehicle. It shall be the responsibility of the Records Bureau to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

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Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

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Traffic Procedures

509.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide members guidance in the use of department-approved traffic management methods.

509.2 SPEED-MEASURING DEVICES

The Imperial County Sheriff's Office utilzes radar and lidar devices to measure speed. Deputies operating radar or lidar must have completed an approved radar/lidar operator course. The device must be properly calibrated. Deputies are required to test the devices at the beginning and end of their shift.

509.3 TRAFFIC DIRECTION AND CONTROL

When required, members will direct and control traffic to maintain public safety and facilitate efficient traffic flow. Members directing and controlling traffic for any purpose (e.g., traffic collisions, emergencies, special events) shall do so in accordance with the following guidelines:

a. Wear high-visibility vests in accordance with the Traffic Function and Responsibility Policy
b. Employ uniform hand signals to stop, start, or direct turning movements of vehicles
c. Use temporary traffic control devices (e.g., barriers, cones, barricades) to stop, reroute, or restrict traffic as necessary to safeguard members, emergency personnel, and the public, and to preserve evidence, if necessary
d. Use flashlights to supplement hand signals at night or in low-light conditions
e. Coordinate efforts with other emergency services agencies (e.g., emergency medical services, fire department, utility companies, other law enforcement)
f. Ensure required notifications are made (see Major Incident Notification Policy)
g. Notify a supervisor if additional assistance is needed

509.4 HAZARDOUS ROADWAY CONDITIONS

Hazardous roadway conditions due to weather, roadway damage, or other circumstances should be addressed as soon as practicable. When encountering hazardous roadway conditions, members should:

a. Assess the condition and request Dispatch to make any appropriate notifications (see the Emergency Utility Service Policy).
b. Isolate the hazard, if appropriate, by using temporary traffic-control devices (e.g., barriers, cones, flares, traffic signals) and/or a patrol vehicle with its emergency lights activated.
c. Only clear the scene when the hazardous condition has been mitigated, another member or appropriate agency has assumed control, or a supervisor has authorized departure.
d. When hazardous materials are in the roadway, deputies should secure the scene and refer to the Hazardous Materials Response Policy for guidance.

509.5 SOBRIETY AND TRAFFIC SAFETY CHECKPOINTS

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Sobriety and traffic safety checkpoints must follow state and federal guidelines.

- Checkpoint time and location must be publicized in advance
- Checkpoints must be highly visible with adequate lighting and signage
- A sergeant must oversee the operation of the checkpoint
- Deputies must use a neutral, mathematical formula for stopping vehicl

509.6 ESCORTS

Vehicle escort services are generally not performed. All requests for law enforcement escort services should be approved by the Sheriff.

If a request is granted, the Patrol Sergeant should be responsible for:

a. Identifying the required departmento resources.
b. Coordinating with outside agencies.
c. Identifying safety and security risks.
d. Taking reasonable precautions to ensure public safety.

Only vehicles equipped with emergency lights and sirens should be used to provide escort services.

Requests for escort for medical transport or civilian vehicles should be in accordance with specifications in the Medical Aid and Response Policy.

509.7 COLLISION SCENES

Deputies must first render the scene safe, assess the scene, and request medical aid if needed. If the collision occurred in the county area, the California Highway Patrol will be called to take over the collision scene. If the collision occurred in a contract city, deputies will conduct the traffic collision investigation.

If the collision involves an Imperial County Sheriff's Office vehicle, the California Highway Patrol will be called to conduct the traffic collision investigation if in the county area. If the collision is within a city, the city police department will be called to conduct the traffic collision investigation.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Imperial County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

1. Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.
2. If information indicates a crime has occurred, the deputy shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Sergeant.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.
3. If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

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Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

a. Recording is not feasible because of exigent circumstances that are later documented in a report.
b. The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
c. The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
d. The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
e. The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
f. A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
g. The questions are part of a routine processing or booking, and are not an interrogation.

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h. The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

1. All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
2. The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
    1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
    2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
3. The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
4. The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
5. Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
6. Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission

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of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigation Unit Lieutenant is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

1. Security procedures are developed to protect information gathered through the use of the technology.
2. A usage and privacy policy is developed that includes:
    1. The purposes for which using cellular communications interception technology and collecting information is authorized.

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2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
3. Training requirements necessary for those authorized employees.
4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
5. Process and time period system audits.
6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department’s usage and privacy procedures and all applicable laws.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Chief Deputy or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.10 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Imperial County Sheriff's Office reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

a. Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
b. Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

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A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the county to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigations Unit Sergeant should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Division Policy for additional guidance.

600.12 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.12.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Investigations Unit Sergeant shall assign a deputy to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Investigations Unit Sergeant shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the records Division for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Division Policy for additional guidance).

600.13 UNSOLVED MURDER CASE REVIEWS

The Investigations Unit Lieutenant or the authorized designee is responsible for developing procedures related to the periodic review and reinvestigation of open unsolved murder cases. The procedures should include the following:

- Eligibility criteria
- Review process
- Reinvestigation criteria
- Active case management

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- Documentation and oversight
- Interagency coordination
- Review frequency

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Imperial County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

a. Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
b. Conduct follow-up interviews and investigation.
c. Present appropriate cases of alleged sexual assault to the prosecutor for review.
d. Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
e. Provide referrals to therapy services, victim advocates and support for the victim.
f. Participate in or coordinate with SART.

601.4 REPORTING

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In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6 TRAINING

Subject to available resources, periodic training should be provided to:

1. Members who are first responders. Training should include:
    1. Initial response to sexual assaults.
    2. Legal issues.
    3. Victim advocacy.
    4. Victim’s response to trauma.
    5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
2. Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
    1. Interviewing sexual assault victims.
    2. SART.
    3. Medical and legal aspects of sexual assault investigations.
    4. Serial crimes investigations.
    5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
    6. Techniques for communicating with victims to minimize trauma.

601.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

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No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned Deputy shall accomplish the following:

1. Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
2. If the victim is transported to a hospital for any medical evidentiary or physical examination, the Deputy shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
    a. The Deputy shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
    b. A support person may be excluded from the examination by the Deputy or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

601.7.2 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting Deputy shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

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Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

601.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned Deputy shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned Deputy determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the Deputy shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned Deputy shall continue to update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned Deputy shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

1. Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
    a. Although such information may be communicated orally, the assigned Deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

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b. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

2. Sexual assault victims shall further have the following rights (Penal Code § 680):
    1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
    2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
    3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
    4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
3. Provided that the sexual assault victim or the victim's authorized designee has kept the assigned Deputy informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
    a. Although such information may be communicated orally, the assigned Deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
    b. No Deputy shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Scientific Investigations Unit supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

601.8.4 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

601.8.5 NON-TESTING OF SAFE KITS

Sexual assault survivors 18 years or older may be undecided at the time of the medical examination whether to report the sexual assault to law enforcement and may request that any collected medical evidence not be tested. If such a request is made, the medical facility is responsible for the transfer of the SAFE kit to the Imperial County Sheriff's Office, if the Department is the investigating agency. The Department shall retain the SAFE kit until the sexual assault survivor requests testing (Penal Code § 680).

If the Department receives a request for non-testing after the examination and the SAFE kit has not already been submitted to a crime lab, the SAFE kit shall be retained by the Department. If the SAFE kit has been submitted to the

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crime lab, but DNA testing has not yet begun, the assigned deputy shall notify the crime lab of the request, and the untested SAFE kit shall be returned to the Department and retained pursuant to department protocols (Penal Code § 680).

A sexual assault survivor who initially requested that their SAFE kit not be tested may later request testing, regardless of whether they decide to make a report to law enforcement. The Investigations supervisor should ensure the SAFE kit is sent to the crime lab for testing (Penal Code § 680).

601.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations supervisor.

Classification of a sexual assault case as unfounded requires the Investigations supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.10 CASE REVIEW

The Investigations supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

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Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Imperial County Sheriff's Office seizes property for forfeiture or when the Imperial County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

a. Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):

    1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.

    2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.

    3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.

    4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.

    5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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b. Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

    1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

    2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The Imperial County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person’s due process rights.

It is the policy of the Imperial County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

a. Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

b. Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

    1. The property subject to forfeiture is legally seized incident to an arrest.

    2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing deputy can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

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Deputies aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

a. Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

b. Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

c. A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).

d. Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

e. Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

602.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The deputy seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

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a. Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.

b. Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

c. Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY

The Evidence Room Supervisor is responsible for ensuring compliance with the following:

a. All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

b. All property received for forfeiture is checked to determine if the property has been stolen.

c. All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

d. Property received for forfeiture is not used unless the forfeiture action has been completed.

602.6 FORFEITURE REVIEWER

The Sheriff will appoint a deputy as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

a. Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

b. Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

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c. Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

d. Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

e. Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

f. Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:

    1. Names and contact information for all relevant persons and law enforcement officers involved.

    2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).

    3. A space for the signature of the person from whom cash or property is being seized.

    4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

g. Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

h. Reviewing each asset forfeiture case to ensure that:

    1. Written documentation of the seizure and the items seized is in the case file.

    2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.

    3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).

    4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).

    5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.

    6. Any cash received is deposited with the fiscal agent.

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7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.

8. Current minimum forfeiture thresholds are communicated appropriately to deputies.

9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

i. Ensuring that a written plan that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

j. Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

k. Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).

l. Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).

m. Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives (Health and Safety Code § 11495).

602.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he /she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

602.7.1 RECEIVING EQUITABLE SHARES

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When participating in a joint investigation with a federal agency, the Imperial County Sheriff's Office shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

602.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

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Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Imperial County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Imperial County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The odeputy using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

603.2.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Imperial County Sheriff's Office shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Imperial County Sheriff's Office shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain deputy/informant integrity, the following must be adhered to:

a. Deputies shall not withhold the identity of an informant from their superiors
b. Identities of informants shall otherwise be kept confidential
c. Criminal activity by informants shall not be condoned
d. Informants shall be told they are not acting as sheriffs deputies, employees or agents of the Imperial County Sheriff's Office, and that they shall not represent themselves as such
e. The relationship between deputies and informants shall always be ethical and professional
f. Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Special Investigations Unit Lieutenant
g. Deputies shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional deputy or with prior approval of the Special Investigations Unit Lieutenant. Deputies should

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avoid meeting informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments deputies shall arrange for the presence of another deputy, whenever possible

h. In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses

603.2.2 INDIVIDUAL INFORMANT FILES

The Border Crime Suppression Team Sergeant will maintain an individual file on each informant. This file will contain the following:

a. Copy of the Informant Personal History Form
b. Informant Admonition Form
c. Photograph of the informant;
d. Copy of NCIC, CLETS and local agency warrant inquiries;
e. Copy of DMV Inquiries. This is to include both drivers license and driving history Inquiries.
f. Copy of criminal history.
g. Copy of the first and most recent quarterly DMV and warrant inquiries.
h. A clear set of fingerprints taken on any standard fingerprint card (preferably a DOJ criminal print card). Fingerprints are mandatory if the informant does not have an arrest record, CII number or FBI number.
i. Any correspondence or other relevant information concerning an informant.

These files are to be maintained in a secure lockable cabinet and separated into Active and Inactive sections. An active informant file should be moved to the inactive section using the general guideline of one year of inactivity.

603.2.3 QUARTERLY INQUIRIES-INFORMANTS

The Border Crimes Suppression Team Sergeant will cause a quarterly DMV inquiry and warrant inquiry for all active informants. These quarterly inquiries will Include NCIC, CLETS and local warrant checks, and a DMV print out regarding the informant's driver's license status. The informant file will have the first teletype printout and the last quarterly printout and a notation of quarterly review by the Chief Deputy.

Informants who do not possess a valid driver's license shall not operate a motor vehicle while engaged in investigations with Imperial County Sheriffs Office deputies.

603.2.4 INFORMANT IDENTIFICATION NUMBER AND LOG

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The Border Crime Suppression Team Sergeant Is to maintain a numerical Informant Identification number log. Every informant utilized by Imperial County Sheriffs Office Is to be assigned an Identification number. This number is to be assigned by the Sergeant. The log is to contain the informant identification number, informant's name, control name, and date the informant number was assigned.

603.2.5 INFORMANT PERFORMANCE RECORD

An Informant Performance Record is to be maintained on every informant utilized by Imperial County Sheriffs Office. This record is to be retained in the informant file folder. It is the responsibility of the deputy sheriff to cause an update of this record and to record any monies paid to or spent by the informant and cases on which the informant was worked. This record may vary as to form; however, pertinent data must be included. As vouchers are received reflecting monies spent by or paid to the informant, the deputy sheriff will enter on the Informant Performance Record the date, voucher number, amount expended, purpose and investigation number.

603.2.6 WSIN CHECKS ON INFORMANTS

The supervisor and case Deputy are responsible for making inquires on all informants they utilize, even if they are solely for information purposes.

603.2.7 UNRELIABLE INFORMANTS

If it is determined that the informant is unreliable, the case Deputy's, supervisor is responsible for immediately submitting an unreliable informant card to WSIN and for notifying any known affected criminal justice agencies that the informant was found to be unreliable.

603.2.8 STATEMENT OF INFORMANTS

When an informant participates in an investigation and it appears that the informant may be needed as a witness in court, it is the responsibility of the supervisor and the case deputy to ensure that a complete written statement is obtained from the informant and included in the case file.

603.3 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

603.3.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.

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- The amount of assets seized.
- The quantity of the drugs seized.
- The informant’s previous criminal activity.
- The level of risk taken by the informant.

The Border Crime Suppression Team Sergeant will discuss the above factors with the Special Investigations Unit Lieutenant and arrive at a recommended level of payment that will be subject to the approval of the Sheriff. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

603.3.2 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant’s file.

603.4 INSTRUCTIONS-INFORMANT PERSONAL HISTORY FORM

The purpose of this section is to assist in properly completing the Sheriff's Informant Personal History form. To ensure uniform compliance, and to have a complete history of informants employed by the Imperial County Sheriffs Office.

a. Date: Place the date of either the form completion or the date of prior approval by the Special Investigations Lieutenant. If prior approval to use the informant is obtained, so note in the remarks section.
b. Informant #: Place the informant number assigned by the sheriff's office.
c. Name: Enter the informant's full legal name, last name first, in capital letters.
d. Aliases: Enter any alias used to describe the informant including maiden names~ monikers or abbreviations ie, J.D., JR, or Tom.
e. Address: Enter the physical and mailing address of the informant, if different.
f. Race: Ask and be specific, i.e., Hispanic, American Indian, etc. Abbreviations are acceptable such as Cauc.
g. Sex: Enter M or Male or F for Female.
h. DOB: Be specific. Numbers are acceptable, such as 12/25/50, or December 25, 1950.

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i. POB: Include city and state or county.
j. Height: Use common descriptive numbers, e.g., 6'-0"
k. Weight: Use common description in numbers; pounds are presumed.
l. Hair: Use common terms such as blonde, black, brown, or red.
m. Eyes: Use common colors such as blue, green, brown, etc.
n. Occupation: Use a descriptive term such as carpenter, truck driver, or ditch digger. Describe his/her main skill even if not currently employed.
o. Employer: Place the name of the employer in this space, note location and address in remarks. If unemployed, so mark in this space.
p. Home Phone: Enter home phone number, message phone number, or pager number.
q. Workplace: Place a work phone number in this space where the informant can be contacted, if employed. Note any exceptions or restrictions in remarks section.
r. Identifying Characteristics: Scars, tattoos, deformities or identifying traits which helps identify the informant. Be specific, i.e., tattoo of an eagle on his right shoulder.
s. CII#: Enter letter and number to identify if automated or manual.
t. SSN#: Enter Social Security number. If the informant does not have an SSN# enter none in this space. If the informant has a SSN# but does not know or remember the numbers enter unknown. If the number is obtained later add the number to this space when it is obtained.
u. FBI#: In rare instances an informant will have an FBI# yet not have a CII#. If so, note in the remarks section. The FBI# is usually available if the informant has a CII number.
v. DL#:
    1. Enter the full driver's license or identification number. If the informant has no license and has never had one, place "none" In this space. If the license has been suspended, indicate "suspended" in this field.
    2. Enter the state of issue. Post office abbreviations are acceptable, i.e., CA, NV, OR.
    3. Place the license expiration date in this space.
    4. lf there is an FTA or warrant Indicated on the DL printout state "yes" and explain in remarks section. FTA's, FTP, or traffic warrants must be cleared prior to use of the informant.
    5. A copy of the driver's license status printout must be attached to the informant personal history form.
w. WSIN: WSIN checks must be run on all informants. The results of this check should be noted by placing an "x" in one of the four boxes in the section. If any box other than "no record" is checked, explain in the remarks section. This includes whether or not the informant is listed as a suspect by WSIN, In which case the box marked "other" should be checked and explained in the remarks section. This explanation must include the submitting agency's name and any details of the reason for submission.
x. Criminal:
    1. Criminal history checks must be run on all informants. The results of this inquiry must be noted by placing an "x" in one of the five boxes provided.
    2. If any box other than "no record" Is checked, an explanation is required in the remarks section. This explanation must include the probation or parole officer's name, termination date of probation or parole, and whether permission was obtained, if necessary (permission from the parole officer).
    3. If the informant has an outstanding warrant, note here and explain in the remarks section including the prior approval of the prosecuting attorney and the proper local jurisdiction.

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4. A copy of the warrant inquiries including local, state, and NCIC must be attached.
5. If the "no record" block is checked a set of fingerprints of the informant should be taken, checked by DOJ, and attached to the Personal History Form In lieu of a criminal history record.
6. INSTRUCTIONS FOR SUBMITTING FINGERPRINT CARDS:
    1. One print card should be forwarded to the Bureau of Identification Fingerprint Expedite Unit with a note requesting a search. Include the submitting deputy's name, office address, and phone number. The card must be completed in full. The deputy will be notified of the results by telephone and the print card will be mailed back.
    2. If the informant has a prior criminal record, a criminal history form must be attached.

y. Vehicle: Describe the vehicle the informant will most likely use. Source: Indicate here the source of informant, i.e. ECPD, BNE, or walk-in.

z. Immediate Family: Enter here the name of a relative close to the informant who would most likely know the whereabouts of the informant. This should be a relative but can be a close friend if the informant does not have a close relative. The second name should be someone living elsewhere than the first relative or friend. Explain the relationship in this section such as wife, father, friend, or co-worker.

aa. Informant Motivation: In this space a brief explanation should be given as to why the informant is working for the Sheriff's Office. Any motivations including the details of the pending case and/or agreements and the permission of the prosecutor s should be noted in the remarks section. Examples of motivation could be: "informant is pending prosecution on two counts of sale of heroin and is working for consideration of reduction of charges." Testify: If informant will testify, place an "x" in the yes box. If the informant will not testify, place an "x" in the appropriate box and explain why in the remarks section.

ab. Informant Admonition:
    1. The Informant Admonition Form Is to be completed as follows: Sections 1 and 2 are to be typed or legibly printed prior to Sections 3 through 7 being completed by the informant. Sections 3 through 7 are to be read to or by the informant. The informant is to initial after each statement that he/she understands that statement.
    2. Section 8 is to be completed by the informant in his/her own handwriting indicating why he/she wants to work for the Imperial County Sheriffs Office. The reasons stated should be in the informant's own words (grammar and spelling are not a concern).
    3. After completion of Sections 1 through 8 the informant is to print and then sign his/her name and place the current date on the form. The witness signature block is to be completed by the person who assisted the informant in completing the forms usually the control deputy.

ac. Remarks: Any Remarks that are appropriate should be placed here in addition to the full explanation of any previously mentioned item. Be sure to include the referenced item number. Deputy's Name: Type or print the Deputy's name who will maintain control of the informant in box "a"; that deputy signs box "b" and dates box "c".

ad. Supervisors Signature: The appropriate first-line supervisor must review the form for accuracy and completeness and sign in box "a". Box "b" should be marked for approval, yes or no. If the "no" box is checked" an explanation should be given in Section #35. The date of approval should be entered in box "c."

ae. Special Investigations Lieutenant: This section is for the signature and approval of the Special Investigations Lieutenant. The Special Investigations Lieutenant is not required to approve Sheriff's Office generated informants. If the "no" box is checked an explanation should be entered in Section #35.

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af. Remarks of Special Investigations Lieutenant: Any remarks such as disapproved, restrictions, etc, should be entered here.

603.5 USE OF INFORMANTS BY DEPUTIES ASSIGNED TO SPECIALIZED UNITS

The use of informants by Deputies assigned to specialized units located outside the Sheriffs Office shall be in accordance with the written polices of the Agency administering the specialized unit where the Deputy is assigned.

If the Agency does not have written policies regulating the use of informants, Deputies shall follow the procedures set forth in this policy.

603.6 USE OF INFORMANTS

Before using an individual as a confidential informant, a deputy must receive approval from the Border Crime Suppression Team Supervisor. The deputy shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

603.6.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

603.6.2 REVEALING THE IDENTITY OF AN INFORMANT

The responsible prosecutor, in concurrence with the Special Investigations Lieutenant will determine whether the informant's identity should be revealed. No deputy, without the above prior approval, shall refuse to reveal the identity of an informant when testifying in court when ordered to do so by the presiding judge or magistrate. Deputies may ask for an in-camera hearing on revealing the identity of an informant. If a conflict does arise as to whether or not to reveal an informant, the matter will be resolved by the Special Investigations Lieutenant prior to the hearing.

603.6.3 USE OF JUVENILES AS INFORMANTS

The use of juveniles as informants should be avoided. If an investigation necessitates the use of a juvenile prior approval must be obtained from both the Special Investigations Lieutenant and the Specialized Unit Chief Deputy.

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Approval must also be obtained from the juvenile court or parent/guardian, whichever is applicable. Upon obtaining this approval the District Attorney's Office should be contacted for applicable laws and local policies.

603.6.4 USE OF PAROLEES OR PROBATIONERS AS INFORMANTS

The Special Investigations Lieutenant must approve the use of parolees or probationers. The use of parolees as informants must also have the prior approval of the parole office.

603.6.5 RELATIONSHIP OF DEPUTIES WITH INFORMANTS

It is the policy of the Imperial County Sheriffs Office that the relationships between Deputies and informants are of a completely ethical and professional nature. Fraternization with an informant in any way other than an official capacity is strictly prohibited.

When contacting informants, Deputies shall have another Deputy or law enforcement officer present. Only during actual undercover situations may a Deputy be alone with an informant. The Deputy shall not accept any gifts or gratuities from an informant or engage in any business, financial, or personal dealings with the informant.

Occasionally deputies will utilize citizen informants who may be a relative or personal friend. It is not the intent of this policy to regulate such a relationship; however if the relative or friends life-style is characteristic of someone involved in criminal activity Deputies must be aware of the same concerns as when dealing with any other criminal informant.

603.6.6 INFORMANT ADMONISHMENT

Prior to the utilization of an informant an Admonition Form must be completed and submitted to the Border Crime Suppression Team Sergeant in conjunction with the Informant Personal History Form. The Admonition Form will be retained in the informant file.

603.7 POLICY

The Imperial County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.8 USE OF INFORMANTS

603.8.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

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603.8.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

a. The juvenile's parents or legal guardians
b. The juvenile's attorney, if any
c. The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
d. The or the authorized designee

603.8.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The odeputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.8.4 INFORMANT INFORMATION

Any use of information provided by an informant shall be consistent with investigation procedures and the Investigation and Prosecution Policy.

603.9 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

1. The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Special Investigations Lieutenant, Border Crime Suppression Team Sergeant or their authorized designees.
    1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
2. Criminal activity by informants shall not be condoned.
3. Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Imperial County Sheriff's Office, and that they shall not represent themselves as such.
4. The relationship between department members and informants shall always be ethical and professional.
    1. Members shall not become intimately involved with an informant.
    2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Border Crime Suppression Team Sergeant.
    3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
5. Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Border Crime Suppression Team Sergeant.
    1. Deputies may meet informants alone in an occupied public place, such as a restaurant.
6. When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.

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7. In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
8. Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.9.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

a. The informant has provided untruthful or unreliable information in the past.
b. The informant behaves in a way that may endanger the safety of a deputy.
c. The informant reveals to suspects the identity of a deputy or the existence of an investigation.
d. The informant appears to be using his/her affiliation with this department to further criminal objectives.
e. The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
f. The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
g. The informant commits criminal acts subsequent to entering into an informant agreement.

603.10 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Border Crime Suppression Team. The Border Crime Suppression Team Sergeant or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Special Investigations Lieutenant, Border Crime Suppression Team Sergeant or their authorized designees.

The Special Investigations Lieutenant should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Border Crime Suppression Team Sergeant is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.10.1 FILE SYSTEM PROCEDURE

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A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

1. Name and aliases
2. Date of birth
3. Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
4. Photograph
5. Current home address and telephone numbers
6. Current employers, positions, addresses and telephone numbers
7. Vehicles owned and registration information
8. Places frequented
9. Briefs of information provided by the informant and his/her subsequent reliability
    1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
10. Name of the deputy initiating use of the informant
11. Signed informant agreement
12. Update on active or inactive status of informant

603.11 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Border Crime Suppression Team Sergeant will discuss the above factors with the Special Investigations Lieutenant and recommend the type and level of payment subject to approval by the Sheriff.

603.11.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

1. Payments will be paid in cash from a Border Crime Suppression Team purchase of evidence/purchase of information funds.

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1. The Border Crime Suppression Team Sergeant shall request the approval of funds from the Special Investigations Lieutenant and Specialized Unit Chief Deputy. The request shall contain the amount requested, case number, and time funds are requested by.
2. Approval notice will be made to the Border Crime Suppression Team and Fiscal via email.
3. Fiscal completed the HIDTA Investigative Funds request form.
4. Fiscal requests the Sheriff or Undersheriff to sign the form approving the funds.
5. The Border Crime Suppression Team member shall sign the HIDTA Investigative Funds Form and return copy to Fiscal

603.11.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

603.11.3 AUDIT OF PAYMENTS

The Border Crime Suppression Team Sergeant or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this [department/office] employ eyewitness identification techniques (Penal Code § 859.7).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Imperial County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

a. The date, time and location of the eyewitness identification procedure.
b. The name and identifying information of the witness.

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c. The name of the person administering the identification procedure.
d. If applicable, the names of all of the individuals present during the identification procedure.
e. An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
f. An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
g. If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
h. An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
i. A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
j. A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
k. Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

604.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

604.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

604.8 FIELD IDENTIFICATION CONSIDERATIONS

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Eyewitness Identification

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

1. Obtain a complete description of the suspect from the witness.
2. Assess whether a witness should be included in a field identification process by considering:
    1. The length of time the witness observed the suspect.
    2. The distance between the witness and the suspect.
    3. Whether the witness could view the suspect’s face.
    4. The quality of the lighting when the suspect was observed by the witness.
    5. Whether there were distracting noises or activity during the observation.
    6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
    7. The length of time that has elapsed since the witness observed the suspect.
3. If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
4. When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
5. The person who is the subject of the show-up should not be shown to the same witness more than once.
6. In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
7. The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
8. If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

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Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Imperial County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Imperial County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Imperial County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The [Department/Office] will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the [Department/Office] case file.

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605.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this [department /office] who is a material witness in a criminal case, the following procedure shall apply:

a. In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the deputy's personnel file.
b. The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
c. Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
d. The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
e. If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
    1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

605.5 INVESTIGATING BRADY ISSUES

If the [Department/Office] receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

[Department/Office] members should receive periodic training on the requirements of this policy.

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Operations Planning and Deconfliction

606.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

606.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

606.2 POLICY

It is the policy of the Imperial County Sheriff's Office to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

606.3 OPERATIONS DIRECTOR

The Sheriff will designate a member of this [department/office] to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

606.4 RISK ASSESSMENT

606.4.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources

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may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

a. Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
b. Maps of the location.
c. Diagrams of any property and the interior of any buildings that are involved.
d. Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
e. Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
f. Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
g. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
h. Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

606.4.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

606.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

1. Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
    1. ([CRU])
    2. Additional personnel
    3. Outside agency assistance
    4. Special equipment
    5. Medical personnel
    6. Persons trained in negotiation
    7. Additional surveillance

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8. Canines
9. Evidence Room or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

2. Contact the appropriate [department/office] members or other agencies as warranted to begin preparation.
3. Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
4. Coordinate the actual operation.

606.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

606.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

1. Operation goals, objectives, and strategies.
2. Operation location and people:
    1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
    2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
    3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

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4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children

3. Information from the risk assessment form by attaching a completed copy in the operational plan.
    1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
4. Participants and their roles.
    1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
    2. How all participants will be identified as law enforcement.
5. Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
6. Identification of all communications channels and call-signs.
7. Use of force issues.
8. Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
9. Plans for detaining people who are not under arrest.
10. Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
11. Communications plan.
12. Responsibilities for writing, collecting, reviewing, and approving reports.

606.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

606.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

1. The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
2. All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
3. The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
    1. Exceptions may be made by the operations director for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to

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transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

4. The briefing should include details of the communications plan.
    1. It is the responsibility of the operations director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.
    2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
    3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

606.8 [CRU] PARTICIPATION

If the operations director determines that [CRU] participation is appropriate, the director and the [CRU] supervisor shall work together to develop a written plan. The [CRU] supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the [CRU] supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

606.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

606.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any [CRU] debriefing.

606.11 TRAINING

The Training Deputy should ensure deputies and [CRU] team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

607.2 POLICY

It is the policy of the Imperial County Sheriff's Office to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS LIEUTENANT

The operations Lieutenant (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations lieutenant will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the operations chief deputy for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, service will be coordinated by the operations chief deputy. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.6 WARRANT PREPARATION

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

a. Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
b. A clear explanation of the affiant's training, experience, and relevant education.
c. Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
d. A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
e. Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
f. A specific description of the location to be searched, including photographs of the location, if reasonably available.
g. A sufficient description of the items to be seized.
h. Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The operations lieutenant or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

a. When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
b. The warrant service is audio- and video-recorded when practicable and reasonable to do so.
c. Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
d. Reasonable efforts are made during the search to maintain or restore the condition of the location.
e. Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

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f. Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
g. A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
h. A copy of the search warrant is left at the location.
i. The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations lieutenant will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Imperial County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of

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Imperial County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations lieutenant is unavailable, the Sergeant should assume this role.

If deputies intend to serve a warrant outside Imperial County Sheriff's Office jurisdiction, the operations lieutenant should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Imperial County Sheriff's Office when assisting outside agencies or serving a warrant outside Imperial County Sheriff's Office jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Training Manager should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

607.13 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the deputy's presence would create an imminent threat of physical violence to the deputy or another person.

607.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

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Unmanned Aerial System

608.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

608.2 POLICY

Unmanned aerial systems may be utilized to enhance the [department/office]'s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

608.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

608.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for [department/office] operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and [department/office]-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.

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- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.
- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

608.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

608.6 PROHIBITED USE

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The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

608.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Forensic Genetic Genealogy

609.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

609.2 POLICY

The Imperial County Sheriff's Office's use of FGG will be in coordination with prosecutors, the Coroner's Office, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have

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been pursued. Members will take reasonable steps to maintain the integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

609.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

a. Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:
    1. The perpetrator of an unsolved violent felony.
    2. The unidentified human remains of a suspected homicide victim.
b. All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).
c. An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

609.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Coroner's Office.

609.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

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609.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

a. Eliminate an individual as a potential suspect in the case.
b. Link an individual to the case as a potential suspect.
c. Identify human remains.

609.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

609.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

a. Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.

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b. If applicable, consult with the Coroner's Office for an amendment to a certificate of death.

609.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for department records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Department.

609.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the Scientific Investigations Unit and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

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Facial Recognition Technology Use

610.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by a deputy to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software.

610.1.1 DEFINITIONS

Definitions related to this policy include:

Facial recognition technology (FRT) - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

Probe image - A search image submitted to FRT for comparison with images contained within an image database.

610.2 POLICY

It is the policy of the Imperial County Sheriff's Office to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

610.3 SHERIFF RESPONSIBILITIES

The Sheriff or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Department.

610.4 FRT COORDINATOR

The Sheriff or the authorized designee shall appoint an FRT coordinator. The responsibilities of the FRT coordinator include:

a. Establishing procedures for department FRT use that conform to applicable laws, regulations, and best practices. Procedures should include:
    1. A process for submitting and assessing deputy requests to use FRT.
    2. Requirements related to processing and reviewing results generated from the use of FRT.
b. Establishing procedures for collecting, processing, and storing FRT data.
c. Establishing procedures for access and security controls for department FRT systems, services, and data.
    1. Access levels should be no higher than necessary to accomplish organizational tasks, missions, or functions.
d. Establishing a procedure for submitting images to the image database. The procedure should include:

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1. A requirement that deputies submit images.
2. Restrictions related to the use of images voluntarily provided to the Department by members of the public (e.g., driver's license, state identification, passport, any other official identification that includes a photograph).

e. Administering data quality assurance measures (e.g., probe image suitability, quality, integrity).
f. Conducting periodic audits of department FRT use.
    1. The audit should include a review of FRT use, documentation of those uses, and confirmation of data purging, where appropriate.
g. Confirming that authorized users have completed department-approved FRT and forensic image comparison training prior to using FRT.
h. Coordinating with the Training Manager to develop, identify, and update FRT training for deputies who utilize the FRT system.
i. Establishing and implementing a schedule for routine maintenance, upgrades, enhancements, testing, and refreshes of FRT for proper performance purposes.
j. Establishing procedures for reporting errors, malfunctions, or deficiencies of FRT systems, services, or data.
k. Coordinating with the information systems technology supervisor, county counsel, and appropriate administrators to develop information-sharing procedures with outside agencies in accordance with state and federal law.

610.5 AUTHORIZED USES OF FRT

FRT may be used as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

a. Unknown suspects where attempts at identification through other means have been exhausted or ineffective
b. Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material)
c. Deceased individuals
d. Individuals who are incapacitated or do not know their identities
e. Individuals who are lawfully detained and whose identities are in question (e.g., no identification or false identification provided)
f. Suspects in unsolved crimes
g. Missing or endangered persons
h. Unknown individuals pursuant to any other legitimate law enforcement purpose

610.6 ACCESS TO FRT

Only deputies authorized by the Department may use FRT.

Prior to using FRT, a deputy seeking authorization shall submit a request to the appropriate supervisor consistent with department procedures.

The request should, at a minimum, include the following:

a. The nature of the investigation

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b. The reason a deputy believes that FRT use is necessary
c. An explanation of how FRT may assist with the development of investigative leads
d. A case identification number

610.7 FRT SEARCHES

A deputy may submit a probe image for comparison with images available within the department FRT image database consistent with department procedures.

FRT searches shall only be conducted using lawfully obtained probe images.

Before proceeding with official law enforcement action based on FRT results, the results should be thoroughly reviewed by a deputy trained in FRT.

610.7.1 USES AND LIMITATIONS OF FRT SEARCH RESULTS

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

610.7.2 FRT SEARCH DOCUMENTATION

The investigating deputy shall document all FRT searches in the appropriate department report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

a. The requesting deputy's name and position.
b. Confirmation that the search was pre-approved pursuant to department procedures.
c. The purpose of the search.
d. The search parameters, if any.
e. The date and time of the search.
f. A list of any image databases searched.
g. The results of the search, including the number of investigative leads produced and, where applicable, the matching score of each.
h. The additional means used to identify any person (e.g., visual comparison of images by a trained investigator, other subsequent investigation).

610.8 PRIVACY CONSIDERATIONS

The Department shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Absent a warrant or exigent circumstances, the deputy shall not record or capture images where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure, mass surveillance of public places or quasi-public places). Deputies shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

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610.9 PROHIBITED USES

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

a. For the arrest of individuals based solely on FRT results.
b. For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and 14th Amendments.
c. For any non-law enforcement purpose.
d. As the sole basis for identification to establish probable cause in a criminal investigation.
e. To harass or intimidate any individual or group.
f. In any other manner that would violate applicable law, regulation, or policy.

No deputy shall request that a third-party use FRT to obtain results that would not be permitted under this policy.

610.10 RELEASE OF FRT DATA

Unless disclosure is required by law or court order, FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy.

610.11 RETENTION OF FRT DATA

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

610.12 TRAINING

Deputies whose duties may require the use of FRT should receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following:

a. Capabilities and limitations of FRT
b. FRT system functions and interpretation of results
c. Data security and privacy concerns
d. Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests)
e. Digital media handling and protections
f. Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching)
g. Principles of comparison

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h. Cognitive bias, confirmation bias, implicit bias, and automation bias
i. Applicable policy, procedure, and federal and state law requirements

The FRT coordinator shall maintain a record of each authorized deputy's training and acknowledgement of this policy.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another person or entity, or department-owned property is damaged or lost.

700.2 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

a. Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
b. The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
c. Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
d. Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
e. In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.2.1 INVENTORY CONTROL

An inventory of issued equipment should occur on a yearly basis.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Chief, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

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700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

a. A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

b. A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his /her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Chief.

700.5 COLLECTION OF EQUIPMENT

Employees that leave employment with the Imperial County Sheriff's Office are required to turn in all equipment that has been issued to them. Because of the various shifts that employees work, it shall be the responsibility of the Lieutenant overseeing the employee's Division to collect the issued equipment from the employee.

a. The Human Resources Specialist will notify the Lieutenant that the employee is leaving employment and provide an Exit Interview form. The Lieutenant will then obtain a copy of the issued equipment inventory card from the Rangemaster. The Lieutenant will then make the necessary arrangements to collect, either personally or by the employee's immediate supervisor, all equipment from the employee at the end of the employees' last shift. Safety equipment will be turned in to the Rangemaster.

b. All Department keys, identification card, and badge will be turned in to the Sheriff's secretary.

c. The Exit Interview form will be completed by the Lieutenant or the employee's immediate supervisor and will be turned in to the Human Resources Specialist.

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700.6 PURCHASE OF EMPLOYEE'S ISSUED BADGE

Personnel who have been employed by the Imperial County Sheriff's Office for a minimum of ten years, and are in good standing with the department, are authorized to purchase their issued badge with the approval of the Sheriff. The Sheriff or his/her designee may approve the purchase of a badge by an employee with less than ten years of service at his/her discretion.

700.7 POLICY

The Imperial County Sheriff's Office will ensure that employees are issued appropriate property and equipment necessary for the employee's job function. The Department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the employee's duties.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Imperial County Sheriff's Office allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a

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department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

1. Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
2. The Department accepts no responsibility for loss of or damage to a personally owned PCD.
3. The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
4. The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by department procedures.
    a. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
    b. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
    c. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
5. The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Sheriff or the authorized designee.
6. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
7. All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Imperial County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

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Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate recordkeeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

a. A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.
b. All PCDs in the workplace shall be set to silent or vibrate mode.
c. A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
d. Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
e. Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Sheriff or the authorized designee.
f. Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
g. Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.
h. PCDs shall not be used for international calls unless directly related to an active investigation or as part of liaison duties.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

1. Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

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2. Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
    a. An investigation into improper conduct should be promptly initiated when circumstances warrant.
    b. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket

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- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

702.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

702.4.1 FUEL CARDS

Employees issued fuel cards by Imperial County shall be responsible for the safekeeping, serviceable condition, proper care and use. No County issued fuel card shall be used for personal benefit or the benefit of others except in the performance of official duties or business. County issued fuel cards are to be utilized only by the issued user for the sole purpose of refueling County vehicles. They are not to be used for the purchase of any other goods or services. Any employee misusing County issued fuel cards may be subject to discipline up to and including termination.

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702.4.2 LOST FUEL CARDS

Employees shall immediately report through their chain of command, an loss, damage to, or unserviceable condition of County issued fuel cards that has be assigned for their official use.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Deputies in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the “out of service” placards or lightbar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Monitoring Device (Teletrac)

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Teletrac Navman vehicle monitoring systems designed to enhance officer safety, improve accountability, ensure proper use of department resources and support preventative vehicle maintenance.

703.2 POLICY

The Imperial County Sheriff's Office will utilize Teletrac Navman vehicle monitoring devices to ensure the safety of the driver, vehicle locations and maintenance needs. The system will be used in a manner that promotes transparency, efficiency, and officer safety, while protecting employee privacy rights consistent with applicable laws and regulations. The Imperial County Sheriff's Office holds its employees to the highest standards when operating department owned vehicles in order to protect its employees as well as the public it serves.

703.3 DEFINITIONS

- **Teletrac Navman Vehicle Monitoring System:** A device installed in department owned vehicles which provides real-time data on vehicle speed, location, safety events, and maintenance requirements.
- **Driver Behavior Data:** Information related to vehicle movement such as speed, acceleration, braking, and status of seatbelt.
- **Vehicle Location Data:** GPS information showing real-time and historical vehicle movements.
- **Maintenance Alerts:** System notifications regarding required or preventative vehicle maintenance.

703.4 AUTHORIZED USES

1. Officer Safety
    1. Monitor vehicle use for training purposes involving safety (e.g., performance of vehicle and driver behavior).
    2. Support safe vehicle operations during pursuits or emergency responses.
2. Accountability and Transparency
    1. Provide an accurate record of vehicle use for officer safety while operating under high stress scenarios. This can provide administrative personnel data for training.
    2. Assist in being transparent to any public incident involving Imperial County Sheriff's Officer employees and/or vehicles.
3. Operational Efficiency
    1. Support dispatch and supervision with real-time vehicle location data.
    2. Assist in coordinating responses during emergencies.
4. Fleet Maintenance
    1. Track vehicle mileage and mechanical performance.
    2. Generate alerts for scheduled and preventative maintenance to ensure vehicles remain operational.

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703.5 RESTRICTIONS ON USE

- Teletrac Navman data shall not be used for random, punitive surveillance of employees.
- Access to system data shall be limited to authorized supervisory and administrative personnel only.
- Data shall not be shared outside the agency except as required by law, court order, or approved administrative requests.
- Deputies shall not tamper with, disable, interfere with, or remove Teletrac Navman devices.

703.6 DATA MANAGEMENT

1. **Retention:** Teletrac Navman data shall be retained for a period of one year from the date of activity.
2. **Access:** Only personnel with supervisory or administrative authority may retrieve or review Teletrac Navman data.
3. **Auditing:** The administrators and supervisors shall periodically audit Teletrac date to ensure compliance with Imperial County Sheriff's Office standards and policies.

703.7 DISCIPLINARY CONSIDERATIONS

- Teletrac Navman data may be used in investigations of collisions, complaints, or misconduct.
- Documented unsafe or negligent driving behaviors may result in counseling, retraining, or disciplinary action consistent with Imperial County Sheriff's Office Standards of Conduct Policy.

703.8 TRAINING REQUIREMENTS

Review and acknowledgement of this policy shall be conducted on an annual basis.

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Vehicle Use

704.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the County of Imperial to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

704.2 POLICY

The Imperial County Sheriff's Office provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

704.3 USE OF VEHICLES

704.3.1 SHIFT ASSIGNED VEHICLES

The Sergeant shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during the member's shift, the new vehicle number shall be documented on the roster.

704.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Sergeant. A notation will be made on the patrol unit assignment roster board indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

704.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

704.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

704.3.5 MDT

Members assigned to vehicles equipped with a Mobile Digital Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Dispatch. Use of the MDT is governed by the Mobile Digital Terminal Use Policy.

704.3.6 PARKING

Except when responding to an emergency or other urgent department-related business requires otherwise, members driving Department-owned vehicles should obey all parking regulations at all times.

Department-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to a Department-owned vehicle or in any other areas of the parking lot that are not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

704.3.7 KEYS

a. Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.
b. Members shall not take keys to county-owned vehicles home. This does not apply to take-home vehicles.

704.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

704.3.9 ALCOHOL

a. Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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1. Supervisors shall obtain authorization from their Lieutenant or Duty Officer prior to allowing a Sheriff's Office member to consume alcohol on-duty and drive a department owned vehicle.
2. If a Sheriff's Office employee is allowed to consume alcohol on-duty, the supervisor is responsible for maintaining the safety of the employee and the department owned vehicle.

704.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

704.3.11 CIVILIAN NON SWORN MEMBER USE

Civilian Non Sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian Non Sworn members shall prominently display the "out of service" placards or light bar covers at all times. Civilian Non Sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

704.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

704.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Sheriff or the authorized designee.

704.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

a. The circumstances are unplanned and were created by the needs of the department.
b. Other reasonable transportation options are not available.
c. The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Imperial County limits.
d. Off-street parking will be available at the member's residence.
e. Vehicles will be locked when not attended.
f. All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

704.4.3 ASSIGNED VEHICLES

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Vehicle Use

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the County of Imperial is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Imperial may be required to secure the vehicle at a designated location or the Department at the discretion of the Sheriff.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

1. Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Sheriff or a Chief Deputy gives authorization.
2. Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
3. Vehicles will not be used when off-duty except:
    a. In circumstances when a member has been placed on call by the Sheriff or Chief Deputies and there is a high probability that the member will be called back to duty.
    b. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
    c. When the member has received permission from the Sheriff, Chief Deputies, or Lieutenants.
    d. When the vehicle is being used by the Sheriff, Chief Deputies, Lieutenants, or members who are in on-call administrative positions.
    e. When the vehicle is being used by on-call investigators.
4. While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
5. The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
6. Unattended vehicles are to be locked and secured at all times.
    1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
    2. All weapons shall be secured while the vehicle is unattended.
    3. All department identification, portable radios and equipment should be secured.
7. Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
8. Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
    1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
    2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
9. The member is responsible for the care and maintenance of the vehicle.

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704.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Imperial County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

704.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

a. Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
b. It is the member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
c. All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
d. The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
e. When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
f. All weapons shall be removed from any vehicle left for maintenance.
g. Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

704.5 UNMARKED VEHICLES

Vehicles are assigned to various Stations and their use is restricted to the respective Station and the assigned member, unless otherwise approved by a Station Lieutenant.

704.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

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Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

704.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

a. Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.
b. Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Lieutenant within five working days explaining the circumstances.

704.8 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

704.8.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Division Chief.

704.9 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Cash Handling, Security and Management

705.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

705.2 POLICY

It is the policy of the Imperial County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

705.3 PETTY CASH FUNDS

The Sheriff shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

705.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

705.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every three months. This audit requires that the fund manager and at least one command staff member, selected by the Sheriff, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Sheriff or the County.

705.6 ROUTINE CASH HANDLING

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Those who handle cash as part of their property or Special Investigations Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

705.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

706.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

706.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

706.2 POLICY

The Imperial County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

706.3 DEPUTY RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

706.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

706.5 EYE PROTECTION

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Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

706.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

706.7 RESPIRATORY PROTECTION

The Chief Deputy is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

a. Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
b. Fit testing, including identification of members or contractors qualified to conduct fit testing.
c. Medical evaluations.
d. PPE inventory control.
e. PPE issuance and replacement.
f. Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
g. Regularly reviewing the PPE plan.
h. Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

706.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

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a. It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
b. The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
c. The member needs to replace the respirator, filter, cartridge or canister.

706.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

a. Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
b. Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
c. Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
d. Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

706.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

a. They smell, taste or are irritated by a contaminant.
b. They experience difficulty breathing due to filter loading.
c. The cartridges or filters become wet.
d. The expiration date on the cartridges or canisters has been reached.

706.7.4 SELF-CONTAINED BREATHING APPARATUS

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Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

a. Entering the hot zone of a hazardous materials incident.
b. Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
c. Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

706.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

a. At least once every 12 months.
b. Whenever there are changes in the type of SCBA or facepiece used.
c. Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

706.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

a. The member has completed a medical evaluation that includes a medical evaluation questionnaire.
b. A physician or other licensed health care professional has reviewed the questionnaire.
c. The member has completed any physical examination recommended by the reviewing physician or health care professional.

706.8 RECORDS

The Training Manager is responsible for maintaining records of all:

1. PPE training.
2. Initial fit testing for respiratory protection equipment.
3. Annual fit testing.
4. Respirator medical evaluation questionnaires and any subsequent physical examination results.
    1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

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706.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

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Military Equipment

707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

707.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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707.2 POLICY

It is the policy of the Imperial County Sheriff's Office that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

707.3 MILITARY EQUIPMENT COORDINATOR

The Sheriff should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

a. Acting as liaison to the governing body for matters related to the requirements of this policy.
b. Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
c. Conducting an inventory of all military equipment at least annually.
d. Collaborating with any allied agency that may use military equipment within the jurisdiction of the Imperial County Sheriff's Office (Government Code § 7071).
e. Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
    1. Publicizing the details of the meeting.
    2. Preparing for public questions regarding the department’s funding, acquisition, and use of equipment.
f. Preparing the annual military equipment report for submission to the Sheriff and ensuring that the report is made available on the department website (Government Code § 7072).
g. Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

707.4 MILITARY EQUIPMENT INVENTORY

The Rangemaster shall maintain a list of qualifying equipment for the Department.

707.5 APPROVAL

The Sheriff or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Sheriff or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

a. Requesting military equipment made available pursuant to 10 USC § 2576a.
b. Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
c. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
d. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

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e. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
f. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
g. Acquiring military equipment through any means not provided above.

707.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

707.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Sheriff or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Sheriff or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

707.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

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Long Range Acoustic Device (LRAD)

708.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures related to the proper use and deployment of a Long Range Acoustic Device (LRAD).

708.2 POLICY

It is the policy of the Imperial County Sheriff's Office that a Long Range Acoustic Device (LRAD) be used with live or recorded voice messages to communicate with the community during natural disasters, crowd management and control situations, or when other forms of communication are ineffective or inoperable to communicate messages from the Imperial County Sheriff's Office and safely resolve uncertain situations where communicating with the public is paramount. The LRAD device is not intended to be used as a weapon.

708.3 DEFINITION

The Imperial County Sheriff's Office currently utilizes one LRAD System; LRAD 100X-MAG. This system is a portable device and can be carried and operated by a single user. It can also be mounted to a vehicle via a magnetic mount and operated by a vehicle passenger.

LRAD systems have the capability of providing highly effective long range communication. The LRAD system will broadcast clear messages or voice commands and tones. The system can be used to de-escalate situations and safely modify dangerous and criminal behavior through clear direction and communication.

LRAD systems are able to broadcast instructions and messages with greater clarity and distance than traditional loudspeakers or public address systems. The LRAD can effectively broadcast messages through wind, crowds, engine noise, and background noise. LRAD broadcasts can be clearly heard by people inside vehicles and buildings. The LRAD's clear communication leads to a safer environment during critical incidents and enhances the safety of the community, criminal subjects, and public safety personnel.

708.4 OPERATION OF LRAD

The LRAD has the capability of emitting acoustic sound levels in excess of accepted OSHA noise hazard levels. The operator of the LRAD should wear hearing protection when using the device and follow the below guidelines;

a. Never operate the LRAD at the maximum power where people may be within 10 meters (32 feet) of the device, or where the reflected distance between personnel and an acoustically reflective object (E.g. a building, a wall, or a bulkhead) is located closer than 10 meters.
b. Never point the LRAD at personnel in the immediate vicinity of its operating position.
c. Operators must ensure the device is positioned, aimed and operated in a manner that avoids exposing nearby personnel and bystanders to excessive sound pressure levels.

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The LRAD has a "Tone Generator" function. Its purpose is to gain the attention of members of the public for the purpose of communicating. The Tone Generator produces the loudest output from the LRAD. Qualified personnel must ensure the area in front of the LRAD is clear up to 10 meters and 3 feet to each side before activating the tone when the volume control is at the maximum level or in the red zone of the knob's scale. The Tone Generator shall be activated only as reasonably necessary to accomplish its intended function.

Deputies may use the LRAD to:

a. Communicate lifesaving information to residents during disasters.
b. Communicate to large crowds during parades, festivals, concerts, and sporting events.
c. Establish safety zones and humanely enforce perimeters.
d. Control traffic congestion.
e. Conduct Sheriff's Emergency Response Team (SERT) operations.
f. Conduct Mobile Field Force (MFF) operations.
g. Broadcast a dispersal order.
h. Communicate during hostage and barricaded subject situations.
i. Serve high risk search warrants.
j. Communicate to protesters.
k. Communicate to people threatening suicide, who are in an inaccessible location.
l. Conduct search and rescue operations.

708.5 APPROVAL

An LRAD may only be deployed with the approval of the Incident Commander. If a rapidly evolving situation places the public or law enforcement in danger or where serious property damage is probable, trained personnel are permitted to deploy the LRAD prior to approval. The scene supervisor shall ensure the Incident Commander is notified as soon as practical.

708.6 MAINTENANCE

The SERT Commander will be responsible for proper storage and maintenance of the LRAD system. The LRAD device should be checked for proper functionality during training when applicable.

708.7 TRAINING

LRAD systems may only be deployed by personnel who have been properly trained in its use and procedures. The SERT Commander shall maintain a list of deputies trained to deploy the LRAD system.

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Chapter 8 - Support Services

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Dispatch

800.1 PURPOSE AND SCOPE

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

800.2 POLICY

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

800.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Sergeant on duty, command staff and department members with a specific business-related purpose.

800.4 RESPONSIBILITIES

800.4.1 DISPATCH SUPERVISOR

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

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

a. Overseeing the efficient and effective operation of dispatch in coordination with other supervisors.
b. Scheduling and maintaining dispatcher time records.
c. Supervising, training, and evaluating dispatchers.
d. Ensuring the radio and telephone recording system is operational.
    1. Recordings shall be maintained in accordance with the established records retention schedule, and as required by law. In any event, all recordings should be maintained for a minimum of 90 days.
e. Processing requests for copies of dispatch information for release.
f. Periodically reviewing procedures related to the review, copying, and release of dispatch recordings and updating as necessary to reflect legal, operational, and technological changes.
g. Maintaining Dispatch database systems.
h. Maintaining and updating Dispatch procedures manual, including:

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1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that their health and safety needs are met, as well as steps that they may take to preserve evidence.
2. Emergency Medical Dispatch (EMD) instructions that include prearrival medical instructions for 9-1-1 calls requiring medical assistance consistent with the provisions of Health and Safety Code § 1797.161.
3. Ensuring dispatcher compliance with established policies and procedures.

i. Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
j. Maintaining a current contact list of County personnel to be notified in the event of a utility service emergency.
k. Maintaining a written continuity of operations plan for Dispatch.
    1. The plan should address sustaining critical communications functions during emergencies (e.g., power failures, natural disasters, cybersecurity incidents, facility evacuations, other emergencies requiring relocation of operations).

800.4.2 ADDITIONAL PROCEDURES

The Dispatch Supervisor should establish procedures for:

a. Recording all telephone and radio communications (using an audio logging system) and playback issues.
b. Storage and retention of recordings.
c. Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
d. Documentation and auditing of audio recording reviews and releases to ensure accountability and transparency.
e. Availability of current information for dispatchers (e.g., Patrol Sergeant contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
f. Assignment of field members and safety check intervals.
g. Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
h. Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
i. Protection of radio transmission lines, antennas, and power sources for Dis (e.g., security cameras, fences).
j. Handling misdirected, silent, and hang-up calls.
k. Handling private security alarms, if applicable.
l. Radio interoperability issues, including:
    1. Situations involving mutual aid, tactical operations, and major events.
    2. Establishment and maintenance of memoranda of understanding with outside agencies.
    3. Participation in periodic communications-based training and exercises with outside agencies to validate interoperability protocols.

800.4.3 DISPATCHERS

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

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

800.5 CALL HANDLING

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

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

- Where?
- What?
- When?
- Who?

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

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

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

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

800.5.1 EMERGENCY CALLS

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

Emergency calls should be dispatched immediately. The Patrol Sergeant shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

800.5.2 NON-EMERGENCY CALLS

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

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

800.6 RADIO COMMUNICATIONS

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

a. Members acknowledging the dispatcher with their radio identification call signs and current location.
b. Dispatchers acknowledging and responding promptly to all radio transmissions.
c. Members keeping the dispatcher advised of their status and location.
d. Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

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

800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

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

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800.6.2 RADIO IDENTIFICATION

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

800.7 DOCUMENTATION

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

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

800.8 CONFIDENTIALITY

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

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal sheriff's files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

800.9 TRAINING AND CERTIFICATION

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

800.10 RECORDING AND PLAYBACK

Dispatch will maintain the capability to continuously record all radio and telephone communications and enable immediate playback at Dispatch positions to support dispatcher and/or supervisor review of information.

800.10.1 GUIDELINES FOR IMMEDIATE PLAYBACK

[Insert your agency's authorization, access, and procedural guidelines for immediate playback consistent with standard 13.1.7 requirements - see the Guide Sheet for additional guidance.]

800.10.2 REVIEW, COPYING, AND RELEASE OF RECORDINGS

Upon approval by the Dispatch Supervisor, recorded files may also be reviewed:

a. By any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation, subject to approval by a supervisor.
b. By supervisors reviewing member conduct, for training purposes, or when review of a recording might be beneficial in reviewing a member's performance.
c. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
d. By media personnel with permission of the Sheriff or the authorized designee.
e. In compliance with a public records request, if permitted in accordance with the Records Maintenance and Release Policy.

All requests for the release of recordings shall be processed in accordance with the Records Maintenance and Release Policy.

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Crime Analysis

801.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the agency's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

801.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole & Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

801.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- frequency by type of crime;
- geographic factors;
- temporal factors;
- victim and target descriptors;
- suspect descriptors;
- suspect vehicle descriptors;
- modus operandi factors; and
- physical evidence information.

801.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the agency's strategic plans should be

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provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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SCIENTIFIC INVESTIGATIONS UNIT

802.1 PURPOSE AND SCOPE

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

802.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Scientific Investigations Unit, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

802.2 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

802.2.1 PROPERTY BOOKING PROCEDURE

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

a. Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

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b. Mark each item of evidence with the booking member's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
c. Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
d. Place the case number in the upper right-hand corner of the bag.
e. The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
f. When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

802.2.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The deputy seizing the narcotics and dangerous drugs shall place them in the designated locker.

802.2.3 EXPLOSIVES

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

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

802.2.4 EXCEPTIONAL HANDLING

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

a. Bodily fluids such as blood or semen stains shall be air dried prior to booking.
b. License plates found not to be stolen or connected with a known crime, should be released directly to the Forensic Specialist, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
c. All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Forensic Specialist, or placed in the bicycle storage area until a Forensic Specialist can log the property.
d. All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking deputy and the supervisor. The Sergeant shall be contacted for cash in excess of $1,000 for special handling procedures.

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

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802.2.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms who are subject to the relinquishment provisions of Penal Code § 29810(a)(1) shall be issued a receipt that describes the firearm, the serial number, or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

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

a. A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
b. The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
c. The Automated Firearms System indicates that the firearm was reported lost or stolen.
    1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Forensic Specialist shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (see the Records Division Policy).

802.3 PACKAGING OF PROPERTY

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

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

802.3.1 PACKAGING CONTAINER

Members shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

802.3.2 PACKAGING NARCOTICS

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The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the deputy's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking deputy shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

802.4 RECORDING OF PROPERTY

The Forensic Specialist receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

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

Any changes in the location of property held by the Imperial County Sheriff's Office shall be noted in the property logbook.

802.5 PROPERTY CONTROL

Each time the Forensic Specialist receives property or releases property to another person, he/she shall enter this information on the property control card. Deputies desiring property for court shall contact the Forensic Specialist at least one day prior to the court day.

802.5.1 RESPONSIBILITY OF OTHER PERSONNEL

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

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

802.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Forensic Specialist releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering

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the item involved, the deputy will record the delivery time on both copies and indicate the locker in which the item was placed or the member to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Division for filing with the case.

802.5.3 STATUS OF PROPERTY

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

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

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

802.5.4 AUTHORITY TO RELEASE PROPERTY

The Investigations Unit shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

802.5.5 RELEASE OF PROPERTY

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

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

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

A Forensic Specialist shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Division for filing with the case. If some items of property have not been released, the property card will remain with the Scientific Investigations Unit. Upon release, the proper entry shall be documented in the Property Log.

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

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

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

802.5.6 DISPUTED CLAIMS TO PROPERTY

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

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

802.5.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigations Unit will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

802.5.8 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Forensic Specialist shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, another successive order has been issued against the individual, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 29825.5; Penal Code § 33855).

802.5.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

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

a. If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an

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order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.

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

802.5.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order, verification that the person is not otherwise legally prohibited from possessing a firearm, and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18108; Penal Code § 18120).

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

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

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

802.5.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

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

802.6 DISPOSITION OF PROPERTY

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

The Forensic Specialist shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

802.6.1 EXCEPTIONAL DISPOSITIONS

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

- Weapons declared by law to be nuisances (Penal Code § 25700; Penal Code § 26110; Penal Code § 26395; Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

802.6.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

802.6.3 RETENTION OF BIOLOGICAL EVIDENCE

The Scientific Investigations Unit Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

a. The defendant
b. The defendant’s attorney
c. The appropriate prosecutor and Attorney General
d. Any sexual assault victim
e. The Investigations Sergeant

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

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

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigations Sergeant should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

802.6.4 DESTRUCTION OF FIREARMS AND OTHER WEAPONS

The Scientific Investigations Unit supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that includes but is not limited to the following (Penal Code § 18005):

a. Identification of firearms and other weapons that need to be destroyed
b. Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons
c. Identification of any law enforcement agency that the Department contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this department and the other agency
    1. If the Department contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

The Scientific Investigations Unit supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the Imperial County Sheriff's Office website (Penal Code § 18005).

802.7 INSPECTIONS, INVENTORIES, AND AUDITS

The Department requires periodic and event-specific inspections, audits, and inventories of the Scientific Investigations Unit, with results documented and forwarded to the Sheriff. Such inspections, audits, and inventories shall include but are not limited to:

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a. On a monthly basis, the Scientific Investigations Unit supervisor or the authorized designee shall make an inspection of the property storage facilities and practices to ensure adherence to appropriate policies and procedures.
b. Unannounced inspections of property storage areas should be conducted annually as directed by the Sheriff.
c. An annual audit of property held by the Department shall be conducted by the Investigations Lieutenant (as appointed by the Sheriff) not routinely or directly connected with property control.
d. Whenever a change is made in a Forensic Specialist, Scientific Investigations Unit supervisor, or Sheriff or there is any indication or suspicion of a breach of the Scientific Investigations Unit repository, an inventory of all property shall be made by an individual not associated with the Scientific Investigations Unit or function to ensure that records are correct and all property is accounted for.

802.7.1 ANNUAL AUDIT REQUIREMENTS

The annual audit shall include a sampling of both random and high-risk items (e.g., firearms, narcotics, currency, items of evidentiary value in homicides or other major crimes). All property storage facilities and all categories of evidence and other property should be subject to review over time.

The number of items audited should be based on the total number of items in the department's custody as follows:

a. 5,000 items or fewer: Audit at least 50 items, including at least 25 high-risk.
b. Between 5,001 and 50,000 items: Audit at least 150 items, including at least 100 high-risk.
c. More than 50,000 items: Audit at least 300 items, including at least 200 high-risk.

802.8 POLICY

It is the policy of the Imperial County Sheriff's Office to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

802.9 SCIENTIFIC INVESTIGATIONS UNIT SECURITY

The Scientific Investigations Unit shall maintain secure storage and control of all property in the custody of this department. The Scientific Investigations Unit Supervisor will be directly responsible to the Investigations Unit Lieutenant or the authorized designee.

The Scientific Investigations Unit Supervisor is responsible for the security of the Scientific Investigations Unit and shall implement enhanced security measures to safeguard high-risk and valuable items (e.g., firearms, narcotics, money, jewelry).

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Imperial County Chaplaincy Program

803.1 PURPOSE AND SCOPE

The purpose of the Chaplaincy Program shall be:

a. To provide spiritual guidance and counseling to all members of the Law Enforcement agencies located in Imperial County, both sworn and professional-technical employees, and their families in time of need.

    1. The services of the Chaplains are available on the basis of need and desire. They are not intended, nor do they wish to replace an individual's clergyman.

b. To assist Law Enforcement officers and the people of the community through a field service ministry.

c. To provide guidance, counseling and comfort in times of crisis. The Chaplain should be able to put people in contact with the appropriate agency or agencies to help them.

803.2 REQUIREMENTS

All Chaplains will be expected to complete the following:

a. One ride along per month in an assigned beat (assigned by Senior Chaplain)

b. Attend the monthly training session meeting.

c. Be available to be called out for crisis or emergency response (in assigned beat)

d. Complete monthly reports on activities

803.3 QUALIFICATIONS

A candidate for Law Enforcement Chaplain must meet the minimum qualifications:

a. Be an ordained or licensed member of the clergy in good standing and endorsed for the Chaplaincy by a recognized religious denomination.

b. Show godly compassion, understanding and love for his/her fellow man and relate easily to people.

c. Maintain high spiritual and moral standards.

d. Manifest a broad base of experience and professional maturity, emotional stability and personal flexibility.

e. Be tactful and considerate in his/her approach to all people, regardless of race, creed or religion.

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f. Indicate a willingness to be involved in training that would enhance ones efficiency in meeting and dealing with people in crisis (e.g. trauma intervention) and should be familiar with community resources and referral services.

g. Be willing and available to respond to any and all situations where his presence as Chaplain is indicated.

h. Possess a valid and current California driver's license.

i. Respond to all major disasters in the county: bombings, building collapses, explosions, airplane crashes, multiple-alarm fires, unusual industrial accidents and other disasters.

j. Provide liaison with other religious leaders in the community.

k. Notify as soon as possible the involved person's clergyman in cases of death or serious injury.

l. Make proper referrals in unique cases which need specialized attention.

m. Be willing to assist the Imperial County Coroner's Office in death notifications as requested.

803.4 UNIFORMS

The Chaplains will provide their own uniforms.

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Records Division

804.1 PURPOSE AND SCOPE

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

804.1.1 NUMBERING SYSTEMS

Reports are numbered commencing with the last two digits of the current year and a sequential number beginning with "0001" starting at midnight on the first day of January of each year. For example, 26-0001 would be the first new case of 2026; the sequential numbers would follow in numerical order; 0001, 0002, and so on.

a. Records numbers - arrestees are given a number (listed as R-0001), starting with R then consecutive numbers thereafter.
b. Internal Affairs numbers - I.A. investigations are assigned a number (listed as IA-04-00), starting with IA, then the year, then consecutive numbers thereafter.
c. Booking #'s - given to inmates automatically by computer beginning with 80,000 and continuing consecutively
d. Name ID numbers - upon their inmates are automatically assigned a computer generated number beginning with 800000, then consecutive numbers thereafter.
e. Coroner numbers - are death cases that are not natural deaths are assigned a number (listed as C-04-1), starting with C, the year, then consecutive numbers thereafter.
f. R numbers - are for death cases that are doctor referrals (listed as R-04-001), starting with R, the year, then consecutive numbers starting with 001.
g. Mission numbers- are issued for aero squadron missions (listed as 04-12-001) starting with the year, then month, then consecutive numbers thereafter.
h. Warrant numbers - warrant numbers start with 00001, then consecutive numbers thereafter.

804.2 POLICY

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

804.3 RESPONSIBILITIES

804.3.1 RECORDS SUPERVISOR

The Sheriff shall appoint and delegate certain responsibilities to a records supervisor. The records supervisor shall be directly responsible to the Administrative Chief Deputy or the authorized designee.

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The responsibilities of the records supervisor include but are not limited to:

1. Overseeing the efficient and effective operation of the Records Division.
2. Scheduling and maintaining Records Division time records.
3. Supervising, training, and evaluating Records Division staff.
4. Maintaining and updating a Records Division procedure manual.
5. Ensuring compliance with established policies and procedures.
6. Supervising the access, use, and release of protected information (see the Protected Information Policy).
7. Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
    1. Homicides.
    2. Cases involving department members or public officials.
    3. Any case where restricted access is prudent.
8. Establishing procedures for the management of juvenile records including:
    1. Maintaining juvenile records separately from adult records.
    2. Limiting access to authorized department personnel on a need-to-know basis.
    3. Maintaining records for non-delinquent juveniles (e.g., status offenders, dependent children) separately from delinquent juvenile records and managing them in a distinct manner.

804.3.2 RECORDS DIVISION

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

1. Maintaining a records management system for case reports.
    1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
2. Entering case report information into the records management system.
    1. Modification of case reports shall only be made when authorized by a supervisor.
3. Providing members of the Department with access to case reports when needed for investigation or court proceedings.
4. Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
    a. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
    b. Suspected hate crimes (Penal Code § 13023).
    c. Complaints of racial bias against deputies (Penal Code § 13012; Penal Code § 13020).
    d. Civilian complaints made against deputies (Penal Code § 832.5; Penal Code § 13012).
    e. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
        a. The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
    f. Anti-reproductive rights crime information required by Penal Code § 13777.

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g. Domestic violence-related call information required by Penal Code § 13730 (see the Domestic Violence policy).

5. Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
6. Identifying missing case reports and notifying the responsible member's supervisor.
7. Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e. g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:
    a. Deputy suicides
    b. Deputy misconduct
    c. Uses of force
    d. Deputy deaths or assaults
    e. Crime incidents
    f. Deaths in custody
8. Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
9. Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished or surrendered pursuant to a court order or a state law that requires relinquishment or surrender of firearms to law enforcement, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
10. Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).
11. Maintaining compliance with quarterly California DOJ reporting requirements regarding the department's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).
12. Maintaining compliance with the state and California DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
13. Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

804.3.3 RECORDS DIVISION PROCEDURE MANUAL

The Records Supervisor should establish procedures that address:

a. Identifying by name persons in reports.
b. Classifying reports by type of incident or crime.
c. Tracking reports through the approval process.
d. Assigning alpha-numerical records to all arrest records.
e. Managing a warrant and wanted persons file.

804.4 DETERMINATION OF FACTUAL INNOCENCE

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

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

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

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

804.5 REQUISITION OF SUPPLIES

All personnel who are in need of supplies shall complete a "Requisition of Supplies" form available from the Storekeeper. The form shall be approved by a supervisor and submitted to the Storekeeper in the Sheriff Department.

804.6 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

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

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

804.7 FILE ACCESS AND SECURITY

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

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

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804.8 ORIGINAL CASE REPORTS

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

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

804.9 CONFIDENTIALITY

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

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Radio Procedures

805.1 PURPOSE AND SCOPE

The Imperial County Sheriff's Office recognizes that there is a need to standardize proper radio communications, and the use of law enforcement radios, throughout the Department. It is the policy of the Sheriff's Office that standard procedures for the use of the radio communications system be adopted and followed by all members of the Department.

It is the policy of the Imperial County Sheriff's Office that all radio transmissions on all frequencies be professional, polite, courteous, as brief as possible, and that all call signs and codes established in this order be used.

The Imperial County Sheriff's Office provides dispatch services. It is the policy of the Sheriff's to utilize standardized Emergency Medical Dispatch (EMD) communications procedures, which meet the needs of Emergency Medical Services (EMS).

Pre-arrival instructions shall be provided to the caller only when possible and appropriate to do so. Exceptions include rare instanced when the emergency call volume physically exceeds the capability of the on-duty dispatch staff to provide these instructions, the caller is not with the patient, or the caller refuses to provide medical care.

805.2 DISPATCH PROCEDURE

805.2.1 STANDARD DISPATCH FORMAT

a. Prior to broadcasting the call, the dispatcher will call the unit(s) assigned to the call and wait for an acknowledgement. The unit(s) will acknowledge the call-up with their call sign. Call- ups are not required for calls to return to the station, to phone the station, or for clearance for previously requested details (e.g., clearance for Code 7, clearance to return to the station, etc.).

b. Calls will be dispatched in the following format and order;

    1. Units call sign(s) [unit first]

    2. Nature of call (Penal code)

    3. Location of call

    4. Additional information

        a. If any weapons are involved

        b. Number and description of suspects or vehicles

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5. Who to contact (if necessary)

c. In stating who to contact, the dispatcher is also telling the unit if the RIP is to be contacted.

d. Know what you are going to say before transmitting. Avoid pauses and repetition of words. Pronounce words distinctly and at a moderate speed. Reliability and promptness are essential; however, reliability shall never be sacrificed for speed. When it is necessary to spell out words or names use the phonetic alphabet. Choose words that are distinct and convey a definite message with no room for doubt as to its meaning. Be brief and to the point. To reduce airtime, the 10 codes shall be used whenever possible.

e. When transmitting, do not express emotions, irritation, sarcasm or humor over the radio. Keep your voice as emotionless as possible. Emotion or excitement in the voice tends to distort the listeners understanding of what you are saying. Do not shout or mumble.

f. In broadcasting the location of the call, it should be given as the R/P's location, if contact with the R/P is necessary; or if not, the location where the incident occurred.

g. The dispatcher should never let a calling unit go unanswered. Dispatch is the Deputy's lifeline, and until the dispatcher acknowledges the unit and finds out what their request is they can not discount the radio call.

h. Additional pertinent information:

    a. After the location of the call has been broadcast, additional pertinent information may be given to the responding unit(s). Only that information which is necessary for the employee to have prior to his/her arrival at the call shall be broadcast with the original call. Examples of pertinent information that should be included with the calls are weapons involvement in disturbances, description of suspects, and escape routes on crimes that have occurred, etc.

    b. When broadcasting descriptions of persons and vehicles, dispatchers shall use the following format:

        1. **Vehicles**:

            a. Color

            b. Year

            c. Body Style (2-door station wagon, make, etc.)

            d. Accessories (antenna, Mag wheels, low rider, etc.)

            e. License

            f. VIN number

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2. **Persons**:
    a. Name
    b. Sex
    c. Race
    d. Age/DOB
    e. Height
    f. Weight
    g. Hair color
    h. Eye color
    i. Complexion
    j. Scars, birthmarks and/or tattoos
    k. Clothing (head to foot, outside to inside)

i. Code 3 Calls

a. Calls should never be dispatched as Code 3, it is the discretion of the responding Deputy or that of the Sergeant or Deputy In Charge if he or she should respond Code 3.

b. Examples of calls normally requiring Code 3 response:

1. Injury traffic collisions;
2. Significant injuries resulting from serious crimes (e.g. shooting victims, stabbing victims, etc.);
3. Life threatening ambulance follow-ups where a Code 3 sheriff response will likely arrive prior to other emergency personnel (e.g., baby choking, drowning victim etc.);
4. Observed robberies in progress (calls where a citizen has observed the crime to be in progress and has telephoned the Sheriff's Office to report the crime);
5. Major disturbances involving large numbers of participants where the use of weapons is likely;
6. When dispatching the second unit to assist in a Pursuit;

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7. Anytime a deputy in the field requests Code 3 back-up or assistance; or

8. "Deputy needs Help" calls.

805.3 E-9-1-1 CALLS

A unit will be dispatched to all E-9-1-1 calls. A dispatcher will not cancel the responding Deputy unless another Deputy has already responded and verified the status of the call.

a. Complete E-9-1-1 call from residence payphone.

   1. Find out the nature of the problem.

   2. Send appropriate response.

   3. Get information that pertains to the call.

b. Incomplete E-9-1-1 call from residence.

   1. Immediately dispatch a unit.

   2. Attempt to call back while unit is en route.

   3. If someone answers, obtain name and nature of E-9-1-1 call. Immediately advise deputies responding the name of person contacted and nature of E-9-1-1 call (i.e., mistake, legitimate, etc.).

   4. Get all information that pertains to the call.

c. Incomplete E-9-1-l call from payphone.

   1. Dispatch a unit to the address.

   2. Attempt to call back while unit is en route.

d. Alarm Calls

   1. Known Robbery Alarms - Alarms calls which are known to be robbery alarms (i.e. bank alarms during normal business hours) will be dispatched as "211 alarms". Generally, at least two deputies will be assigned to 211 alarms.

   2. Responding deputies shall determine the number of additional units that are needed.

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e. Other Alarms

1. Due to the inaccuracies in reporting of types of alarm (burglary vs. robbery, silent vs. audible, etc.) dispatchers will broadcast whether the alarm is burglary or robbery, silent or audible, etc.
2. If possible, the dispatchers will call the responsible party for an alarm location prior to the unit arriving on scene.
3. Should an alarm company or responsible person notify the Department that the alarm is "false" and to cancel sheriff response, the dispatcher should recontact the reporting party to verify authenticity.
4. If the dispatcher is unable to verify authenticity of the cancellation request, units will continue to respond to the alarm location.

805.3.1 ALERT TONE

One tone: One alert tone will be used to attract a specific unit's attention when there has been no response to a prior call-up. One tone will also be used prior to any crime or attempt to locate broadcast. Alert tones shall be of a two or three second duration.

805.3.2 BROADCAST FORMAT

a. Crime broadcasts and attempt to locate broadcasts will be preceded by one alert tone, followed by one of the following phrases All ICSO units" or "All valley stations standby to copy (nature of call)".
b. After a several second delay, the broadcast should be continued with the standard broadcast format:
    1. Type of crime or nature of broadcast
    2. Location of occurrence
    3. Description of vehicle, if any
    4. Description of suspect(s)
    5. Weapon used, if any
    6. Direction suspect(s) fled and how (foot, vehicle, etc.)
    7. Property taken
    8. Time of occurrence
    9. Miscellaneous

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805.4 VEHICLE PURSUITS

a. Immediately upon receipt of a vehicle pursuit broadcast from a field unit, the dispatcher shall broadcast Code 33 on channel # _____ Unit # _____ is in pursuit." Whatever additional information is received from the field unit (description of vehicle, direction of travel, etc.) should be included in the initial broadcast. If the initial broadcast from the field unit does not include a description, direction of travel, pc, nature of pursuit and speed, the dispatcher should solicit that information immediately. All broadcasts from the pursuing units will be repeated by the dispatcher. The dispatcher should obtain frequent updates from the pursuing unit if they are not given.

b. The watch commander will determine the location of the closest assisting unit and dispatch that unit to assist in the pursuit. Other units are not to respond to the pursuit unless directed to do so by the primary pursuing unit or the watch commander/supervisor.

c. The dispatcher will notify the watch commander/supervisor of the pursuit at the earliest possible time.

805.4.1 USE OF CODE 33

Code 33 is to be used when a Deputy must have a clear frequency immediately available for use. Its use is restricted to emergency situations. Code 33 may be initiated by a field Deputy or dispatcher. Code 33 should be used in pursuits, during felony stops, during response to significant crimes in progress, during barricade situations, etc. Code 33 should always be canceled at the earliest possible time.

805.4.2 WANT OR WARRANT RETURNS

If a warrant check by a field a X in the location of a confirmed, active warrant, the dispatcher will call the unit and after receiving and acknowledgement, state the call sign followed by "10-36".

805.4.3 FIELD UNIT RESPONSIBILITIES

a. Deputies will acknowledge radio calls with their call sign.

b. Deputies will acknowledge multi-unit radio calls in the order in which the call was assigned.

805.5 CALL SIGNS

a. Radio call signs will be issued to members of the Imperial County Sheriff's Office by the Technology Unit.

b. The list of radio call signs assigned to specific members will be maintained at Dispatch. Call signs will be assigned and updated by the Technology Unit.

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805.5.1 USE OF CODES

Codes will be used whenever possible to standardize radio procedures and reduce transmission time.

Ten Code:

10-1 Receiving poorly

10-2 Receiving well

10-3 Change channels

10-4 Message received

10-5 Relay traffic

10-6 Busy, stand by

10-7 Out of service

10-7a Out of service-home

10-8 In service

10-9 Repeat

10-10 Off duty

10-13 Advise weather & road conditions

10-15 Prisoner in custody

10-17 Pick up papers

10-18 Back up/assist officer at _____

10-19 Return to station

10-20 Location requested

10-21 Telephone

10-22 Cancel

10-23 Stand by

10-27 DDL request

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10-28 Registration request

10-29 Check for wanted

10-30 Does not conform to regulation

10-34 Assistance required at office

10-36 Confidential information

10-37 Identify operator

10-39 Message delivered

10-97 Arrived at assignment scene

10-98 Available for another assignment

11-7 Prowler

11-8 Man down

11-10 Take a report

11-12 Loose stock

11-24 Abandoned vehicle

11-25 Traffic hazard

11-41 Ambulance required

11-44 Coroner requested

11-48 Furnish transportation

11-80 Accident-Major injuries

11-81 Accident-Minor injuries

11-82 Accident-No injuries

11-83 Accident-no details

11-84 Direct traffic

11-85 Tow car required

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11-96 Traffic stop

11-98 Meet _____

11-99 Deputy needs help

805.5.2 OTHER CODES

Code 3 Emergency

Code 5 Stake out

Code 7 Out of service (meal)

Code 33 Clear radio channels for emergency traffic Code 100 Bomb threat

Suffix letter "X" will be used with any code signal when a female is involved, (11-48X furnish transportation-female)

805.6 GENERAL PROCEDURES

a. Deputies reporting an investigation or enforcement activity should use the following format.

b. Personnel will ensure that the transmitter is keyed before beginning to speak.

c. Transmissions will be clearly and calmly spoken, without displaying emotion.

d. Transmissions will, at all times and on all frequencies, be professional and courteous.

e. Department personnel will be identified by their call signs.

f. Personal business will not be conducted via radio.

g. The dispatcher will broadcast the FCC call sign for the Department's primary frequency every hour. Pending repeaters being programmed to transmit in Morse code.

h. If two or more units cover each other, the dispatcher will attempt to identify one of the units, tell that unit to "go ahead" and the other unit(s) to "10-23".

i. Deputies at the station or en route to the station will not request dispatchers to perform administrative or investigative task that the deputy can reasonably handle personally (e.g., phone calls, record, call screening, checks, etc.). Dispatch is not responsible for message taking business/personal.

j. Routine warrant checks will be conducted through the local CAD, CII (California), and NCIC (Federal) systems.

k. Warrant checks will be requested using the following format:

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1. Last name, first name, and DOB, or by drivers license number.

l. Deputies will report to dispatch their arrival and departure from all calls and will give the Dispatch Center a disposition of the call prior to resuming patrol or responding to another call.

m. El Centro 2 (Unit #) Upon acknowledgement from dispatch the unit will advise 10-6 and location then the nature of activity.

Example (1) El Centro 2 (Unit #), I'll be 10-6 at McCabe and Clark on follow up

Example (2) El Centro 2 (unit #), I'll be 10-6 at 1st and Main with a disabled motorist.

805.7 ACCESS TO DISPATCH CENTER

Access to dispatch should not require permission. Personnel not assigned to dispatch however should only be in the dispatch center for official business. The dispatch center is not to be used as a break room.

Example - Picking up paperwork, retrieving and delivering information would be acceptable reasons to be in dispatch.

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Restoration of Firearm Serial Numbers

806.1 PURPOSE AND SCOPE

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

806.2 PROCEDURE

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

806.2.1 PRELIMINARY FIREARM EXAMINATION

a. Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

b. If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

c. Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

d. If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

806.2.2 PROPERTY BOOKING PROCEDURE

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

806.2.3 DEPUTY RESPONSIBILITY

The Scientific Investigator receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

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806.2.4 DOCUMENTATION

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

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

806.2.5 FIREARM TRACE

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

806.2.6 FIREARMS RELEASE PROCEDURE

Per Penal Code 12031.3 All firearms seized by law enforcement agencies require the requester to submit an application form for a determination by the Department of Justice (DOJ) as to whether the requester is eligible to possess a firearm. If the requester is eligible, DOJ will provide an authorization letter with a "golden seal" approving the requester eligible.

The Scientific Investigations Unit will then research the requester's eligibility to ensure the requester is not listed under the Firearms Prohibiting Categories. The Evidence Custodian shall research the following background information:

a. RAP Sheet

b. Records Division

c. Spillman computer

Searching for Restraining Orders or other disqualifying information. Prior to release of the weapon the FCN number must be removed from the Automated Firearms System (AFS) via dispatch revealing the weapon's disposition as "released to the owner."

806.3 BULLET AND CASING IDENTIFICATION

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

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Property Procedures

807.1 PURPOSE AND SCOPE

The purpose of this policy is to safeguard all property or evidence that comes into the possession of any employee during the course of their duties. All property shall be safeguarded from the point of seizure or taking possession of the property, through the storage and disposition of the property.

807.2 EMPLOYEE'S RESPONSIBILITIES

All employees shall safeguard all property/evidence that is in their possession and follow the procedures set forth in this policy.

a. No employee shall allow any property/evidence under their control to be placed in any location other than the Evidence Room Lockers at the El Centro Sheriffs Office (e.g., in their desks, lockers, homes, or any location other than the Evidence Room Lockers at the El Centro Sheriff's Office).

b. Large items (beer kegs-vehicles-bicycles) will be placed in the appropriate predetermined locations as designated by the Scientific Investigations Division and the Operations Chief. Property/evidence that is obtained by Employees in a specialized assignment shall be safeguarded by the property/evidence handling regulations of that assignment.

c. In cases where large items do not fit in the Evidence Lockers and they are of high value, easily pilfered, or have evidentiary value, a Scientific Investigator shall be notified to place the items in a secure location.

807.3 SHERIFF'S SUB-STATION PROCEDURES

All employees assigned to a Sheriffs Sub-Station(s) shall follow the procedures set forth in this policy.

a. Once property/evidence has been processed for placement into the evidence lockers by the Sub-Station Deputies the property/evidence shall be transported to the Evidence Room Lockers at the El Centro Sheriffs Office.

b. In order to reduce the amount of time Deputies are away from their assigned Sub-Station, when available (as determined by the Patrol Supervisor) Central Patrol Deputies shall be utilized to meet with the Sub-Station employees at a halfway location and shall transport and place the property/evidence into the Evidence Room Lockers at the El Centro Sheriffs Office.

c. The "Chain of Custody for Evidence" form, will be generated by the initial Deputy or Sheriff's Service Officer, completion of the form will be in accordance with the directions and distribution instructions on the form.

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807.4 GENERAL PROPERTY HANDLING PROCEDURES

It is the policy of the Imperial County Sheriff's Office to establish procedures for receiving, safeguarding, and disposing of evidence or other property coming into its custody.

807.4.1 EVIDENCE/PROPERTY CUSTODIAN

The term Scientific Investigator shall be understood to refer to all personnel assigned to the Scientific Investigations Unit of the Imperial CountySheriff's Office. Scientific Investigators and the Sheriff's Service Officer assigned to the Scientific Investigations Unit shall be the PROPERTY CUSTODIANS for the Imperial CountySheriff's Office.

807.4.2 EVIDENCE/PROPERTY ROOM SECURITY

a. Scientific Investigations Unit shall be the property storage location. Business hours shall be 0800 to 1700 hours weekdays, and by appointment.

b. The evidence/property storage areas shall be secured when a Scientific Investigator is not immediately present.

c. Property Room admittance and key control

    1. No one may enter any property storage areas unless a Scientific Investigator is present and the Scientific Investigations Unit Supervisor is present and circumstances warrant entry for business purposes.

    2. Only a Scientific Investigator or other authorized person shall remove Evidence/Property from its storage location.

    3. Duplication or possession of keys to property storage areas without express permission of the Sheriff is prohibited.

d. The Scientific Investigations Unit Supervisor is the only person authorized to possess keys to the property storage areas and the Narcotics Storage Room. The Sheriff and the Scientific Investigations Unit Supervisor are the only persons authorized to possess the combination to the SIU Evidence Safe.

807.4.3 AUDITS AND CONTROLS

a. At least once a month, the scientific investigations unit supervisor shall conduct an inspection of adherence to procedures used for property control.

b. Whenever a new scientific investigator is designated or assigned personnel are transferred out of the S.I.U. the door locks to S.I.U. Office and the hallway lockers shall be changed, and new keys assigned and an audit of the property storage areas should be conducted as soon as practical. The combination oto the evidence safe will be changed when the supervisor of the S.I.U. is transferred out of the unit or when there is a change in the Sheriff of the department.

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c. The scientific investigations unit supervisor shall conduct an unannounced annual audit/spot check of property held by the agency.

d. The S.I.U. evidence safe shall be audited quarterly by the S.I.U. supervisor and another sheriff's office employee not of the S.I.U. Each sealed evidence bag will be opened to verify the contents of the evidence bag and then resealed. The findings of the quarterly evidence safe audit shall be forwarded to the operations chief deputy. The S.I.U. supervisor will maintain an evidence safe inventory log book. This log book will contain a current listing of the evidence safe contents and copies of each quarterly audit report.

807.4.4 PROPERTY CLASSIFICATION

a. Evidence: Property which is or may be related to an actual or suspected offense; which may implicate or clear a person of a criminal charge or which may aid in the adjudication of a criminal or civil matter.

b. Found Property: Non-evidentiary property having some value which has apparently been lost or abandoned.

c. Safekeeping: Non-evidentiary property, which is in the custody of the Sheriff's Office for temporary storage on, behalf of the owner or which is held pursuant to law or legal order.

d. Destruction: Non-evidentiary property, which is illegal to possess, which has no real value, which has been abandoned/unclaimed, deemed to be a nuisance, which has been surrendered to the Sheriff's Office by the owner for the expressed purpose of destruction, or ordered destroyed by the Superior Court of Imperial County.

e. For the purposes of this policy, the term "Property" shall be understood to include evidence and all other classifications of property.

807.5 DUTIES OF EMPLOYEES COLLECTING PROPERTY

807.5.1 DELIVERY

a. Departmental employees shall, in every instance, deliver all property or evidence obtained in the course of their duties to the Evidence lockers, located at the El Centro Sheriff's Office, as soon as possible and prior to going off duty. All property shall accompany appropriate chain-ofcustody documentation.

b. Envelopes containing property or evidence along with the chain of custody documentation will be placed into the drop slot in the hallway next to the door of the Scientific Investigations Unit, items to large for the envelope slot will be placed in the property/evidence hallway lockers and secured.

c. Except as noted below, all controlled substances or narcotics shall be placed in the Narcotic Evidence Room.

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1. With prior authorization, of a Staff Officer or the Scientific Investigations Supervisor, an employee may, during after hours, place narcotics into the evidence lockers; however, they will be re-located to the Narcotics Evidence Room as soon as practical.

807.5.2 DOCUMENTATION

a. Each item delivered to the Scientific Investigations Unit shall be properly packaged and identified with an appropriate evidence envelope, bag, or tag completely filled out.

b. An official crime report will be promptly prepared in all cases involving the receiving and chain of custody of property by Deputies, Correctional Officers and Sheriff's Service Officers.

c. Property booked as evidence, found property, safekeeping and property booked for destruction shall be itemized and described in the evidence module of the Spillman System by the Scientific Investigations Unit Personnel.

807.5.3 ITEMIZATION

a. Except as noted below, all property booked into evidence shall be individually itemized and described on the evidence card. Descriptions shall be sufficiently complete so the item can be readily identified from the description alone.

b. The submitting employee shall avoid defacing property by scratching or gouging its surface (i.e., scratching into the surface, etc.)

c. Identical items may be booked under a single item number provided that the quantity is shown.

d. Like items with no real or evidentiary value may be booked as a single item provided that a general description is given (i.e., misc. papers, etc).

e. Any item having a unique number to identify it (serial number, account number, etc.) shall be itemized separately with the numbers and a File Control Number obtained from Sheriff's Dispatch shown on the evidence card/evidence module.

f. Numbering sequence

1. Each property item shall have a unique item number. When necessary to maintain continuity, related items may be grouped under a single item number (i.e., item 1 (a) or 2 (b), etc.).

807.5.4 PACKAGING

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a. All items received by the Scientific Investigations Unit shall be packaged as follows:

    1. Items shall be placed in the appropriate envelope (Narcotics, Audio tape, Floppy diskette, etc.) or bag, or have a tag attached, with the following information included thereon:

b. Evidence bags, envelopes, and tags;

    1. Item number, requested action, case number, date item obtained, suspect's name, victim's name, date of incident, location of recovery, description of item, name of person who is placing item in evidence, and complete chain of custody information.

    2. Except as noted below, no more than five items will be included one evidence envelope or bag, and they shall be associated the same crime report number.

        a. Evidence items that could be contaminated shall be packaged separately.

        b. ANY narcotic item shall be package separately from associated items.

        c. Blood samples, sex crime evidence, urine and biological evidence packaged in an evidence envelope provided by State or other evidence package specifically provided for that type of evidence need not be repackaged, providing identifying information is on the package. All such evidence items shall be placed in the Narcotics Property/Evidence Room refrigerator unless proper authorization is obtained from a Scientific Investigator.

        d. Items that are too large to fit in an envelope or bag, shall be tagged with an evidence/property tag (completely filled out) and need not be repackaged

c. Only envelopes, bags, and tags provided for, and approved by, the Scientific Investigations Unit, shall be used for booking property/evidence.

d. Scientific Investigations personnel will verify all received property and evidence including narcotics with the description noted on the property or evidence container. Narcotic evidence will be weighed in order to verify the submitting officers weight submittal. Narcotic evidence will be forwarded to the Department of Justice to be analyzed after a written request is submitted by investigations. Any property/evidence not properly packaged or a descrepancy is found in the description will be retained by the Scientific Investigations Unit, however, will not have an evidence module entry completed until the submitting employee is contacted corrective action is taken.

807.5.5 SPECIAL HANDLING

a. Firearms - All personnel delivering firearms to the evidence lockers shall ensure the weapons are unloaded and made safe before entering the building. If the weapon cannot be unloaded for any reason, it shall be stored with visible notification describing the apparent malfunction tied or otherwise attached to the weapon in such a way as to readily identify it as a LOADED WEAPON. The submitting personnel noting the location

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and loaded condition of the weapon will complete a report, and the report will be forwarded immediately to the Scientific Investigations Unit, who will be responsible for making arrangements to disarm the weapon.

1. Firearms will not be placed into envelopes or other containers. Each weapon will be identified with an evidence/property tag securely attached to the trigger guard. If the weapon does not have a trigger guard, the tag will be attached to the barrel.

2. Ammunition clips or magazines recovered from a weapon will be unloaded and booked as a separate property item. The unloaded clips or magazines may be stored with the weapon. All ammunition shall be stored separate from the weapon.

3. Holsters, pouches, cases, or other weapon containers and additional magazines will be booked as separate property items.

b. Ammunition

1. Ammunition removed from a weapon and ammunition recovered with a weapon will be placed in an envelope of other appropriate container and booked as a separate item.

2. In the case of a homicide, the Scientific Investigators will place each round in a separate envelope, if deemed necessary, to assist in the investigation. The envelope will be marked with location the rounds were found in the weapon or the magazine, and other identifying case information.

3. Bulk ammunition will be booked along with its box or container. The container and contents shall be itemized (i.e., one green metal ammo case 300rounds .38 cal. Wadcutter, 50 rounds 9mm hollowpoint, etc.)

c. Bicycles and flammable materials

1. All bicycles shall be properly tagged, a File Control Number obtained and submitted to the SUI Technician in the event the SUI Technician is not available, the bicycle shall be placed in a designated area and submitted into the evidence/property room as soon as practical.

2. Flammable material or explosives will not be held in the Scientific Investigation Unit. All flammable and explosive material shall be released to Imperial CountyFire Department, State of California, or a federal agency for investigative purposes.

d. Currency

1. Except for cases noted in § 805.6 (c) below, all cash and coins booked into evidence shall be counted by the booking Deputy. An inventory of the cash shall be made on the evidence envelope. The inventory shall be counter signed by a second employee, preferably a supervisor, verifying the count. The money shall then be placed in an evidence envelope, sealed and submitted as evidence to the SIU Technician, or placed into a secured evidence locker.

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2. The outside of the envelope shall be clearly marked as Asset Forfeiture, if the money is being seized as such.

3. The evidence envelope containing the cash shall be marked with the amount known to the submitting employee and sealed.

4. The envelope will be secured in an evidence locker or handed to a Scientific Investigator who will generate an evidence module entry with the amount indicated on the envelope.

5. The envelope will then be taken to the Sheriff's Fiscal Division to be opened and counted by a Fiscal employee who will generate a receipt for the total amount received by the Fiscal division.

6. If the amount on the envelope is the same as the money counted, the Fiscal employee will sign the evidence card as prepared.

7. If the amount is different, the Scientific Investigator will note the correct amount on a separate location on the evidence module entry, and have the Fiscal employee sign the card and initial the correct amount.

8. The Scientific Investigator will contact the submitting employee, advising him or her of the discrepancy, and generate a supplemental report indicating the correct amount received by the Fiscal Division.

e. Money with Specific Evidentiary Value

1. If the money has SPECIFIC evidentiary value (e.g., serialized money or it is physical evidence of a crime), or the money has collector's value, it shall be packaged separately and secured in the Scientific Investigations Evidence Safe.

2. The Scientific Investigator removing the sealed evidence envelope from the evidence locker will notify the Unit Supervisor (or his designee) and the sealed envelope will be opened and counted in the presence of both. The Scientific Investigator will generate a receipt and both will sign their verification of the count. The envelope will be resealed and secured in the Safe with a copy of the receipt attached.

807.6 FIELD PROCESSING OF CASH MONEY

a. A field count of $500.00 or less may be completed by a Deputy, with supervisor's approval, and the cash submitted into the evidence locker.

b. Amounts larger than $500.00, requires a supervisor conduct a second count and his or signature, verifying the amount, will be placed on the evidence envelope prior to submission into the evidence locker.

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c. For amounts greater than $1,000.00, the seizing Deputy shall notify his/her supervisor and dispatch shall contact the On-Call SIU Technician for placement of the money into the Drop Safe in the Scientific Investigations Unit.

1. The currency will be counted and verified by the seizing deputy and a supervisor.

2. The currency will be counted by the SIU Technician in the presence of the seizing Deputy.

3. The SIU Technician will place the money into a sealed money bag and the denominations of the money will be noted on the outside of thesealed money bag. Both the seizing Deputy and the SIU Technician will sign the outside of the sealed money bag. If known the sealed bag will be marked with either "Asset Forfeiture" or "Evidence".

4. The SIU Technician shall fill out the Drop Safe paperwork and place the sealed money bag into the Drop Safe located in the Scientific Investigations Unit.

5. The SIU Drop Safe will be opened by the SIU Supervisor and the Fiscal Division Manager the following business day. The SIU Supervisor is the only person that has the keys to the Drop Safe.

6. The SIU Supervisor and the Fiscal division Manager will count and verify the amount of money indicated on the outside of the sealed money bag.

7. If the bag is marked "Asset Forfeiture", the money will be given to the Fiscal Division Manager who will deposit the money according to Fiscal Division Policy.

8. If the bag is marked "Evidence", the money will be placed into the SIU Evidence Safe according to policy.

9. The Evidence Safe will be opened by the SIU Supervisor with a SIU Technician present for placement/removal of evidence. A log is kept inside the Evidence Safe to record placement or removal of evidence. The log must be dated and signed by the SIU Supervisor and the SIU Technician whenever the Evidence Safe is opened.

807.6.1 UNCLAIMED MONEY

(a) All money taken into the possession of the Sheriff's Office will be immediately placed into the evidence lockers of the SIU or into the Drop Safe by a SIU Technician.

(b) SIU personnel shall determine if the money has any specific investigative/evidentiary or collectors value. If the money does not have any evidentiary or collectors value, it will be processed and released to the Fiscal Division for processing according to Fiscal Department policy.

(c) The Fiscal Division will deposit the money into account number 7155000-301000 and will reference the CR number relating to the seizure of the money. The Treasures Office will then process the money according to County ordinance and state law.

807.7 CONTROLLED SUBSTANCES

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a. Actual and suspected controlled substances (both legal and illegal) which are booked into evidence shall, if possible, be kept in the container or packaging in which they were found. They will be sealed in an appropriate sized NARCOTICS ENVELOPE or bag. Unless otherwise approved, the employee seizing or otherwise obtaining the controlled substance shall be responsible for sealing, placing all necessary information on the envelope.

    1. The narcotics shall then be placed in the NARCOTIC ROOM DROP SLOT, near the west entrance of the Sheriff's Office.

b. Syringes shall be placed inside safety tubes and sealed prior to being placed inside the evidence envelopes.

    1. If the syringe contains any liquid, the liquid shall be placed in a small liquid vial prior to placing the syringe in the safety tube. The liquid vial is then placed in a Narcotics Envelope and deposited in the Narcotics Room Drop Slot.

    2. Empty syringes will be placed in a safety tube and then placed in a regular evidence envelope before being secured in an evidence locker.

c. In the case of pills, the total number, and if possible, the total combined weight of the pills and container(s) shall be noted on the outside of the Narcotics Envelope by the submitting employee.

    1. If the pills require DOJ testing, they shall be placed in a Narcotics Envelope, and deposited in the Narcotics Room Drop Slot.

    2. If the pills do not require testing, the submitting employee shall so indicate on the envelope.

d. In the case of liquids, the number and type of containers and, if possible, the total combined weight of the liquid and container(s) shall be noted on the outside of the Narcotics Envelope by the submitting employee.

e. In the case of powders and dry substances, if possible, the total combined weight of the substance and container(s) shall be noted on the outside of the property envelope by the submitting employee.

f. Different types of substances shall be packaged separately (i.e., liquids, pills, powders, etc.).

g. Except as noted below, when a bulk quantity of controlled substance is seized, a SIU Technician will be notified and the controlled substance stored in the Narcotics Storage Room by the Responding SUI Technician.

h. Whenever the controlled substance is opened (presumptive testing, etc.) the Deputy/Correctional officer (or Scientific Investigator) ducting the testing shall place their name, the date and the time the envelope was opened on the outside of the envelope, and then reseal the envelope. Do not seal the presumptive test kit inside the envelope, dispose of the presumptive test kit appropriately.

i. All controlled substances in bulk shall be weighed upon being accepted into the Narcotic Storage Room.

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1. It is the seizing employee's responsibility to take test/court samples from the bulk quantity.

2. The Scientific Investigator shall assist in obtaining the weights of the bulk quantity and overseeing the removal of test/court samples.

j. All weights will be determined by use of a designated scale located in the Narcotics Storage Room.

k. Procedures mandated by this section are designed to ensure the integrity of packages while in evidence. All bulk narcotics will be weighed separately before being packaged into boxes for storage in the Narcotics Storage Room. Narcotics storage boxes will be secured with evidence tape, the SIU Technician will place their initials across the evidence tape and the box will be marked with all pertinent identifying information.

807.8 ADDITIONAL PROCEDURES

807.8.1 ALCOHOLIC BEVERAGES

a. Minor in possession

1. When alcoholic beverages are seized from a minor during a minor in possession arrest, destruction of it will be made in the field unless other mitigating circumstances exist.

b. Adult Public Consumption

1. When alcoholic beverages are seized from an adult, destruction will be made in the field unless other mitigating circumstances exist such as the adult owner requests the preservation of unopened containers for later redemption. Retained items will be booked into evidence as set forth in this policy.

c. Public intoxication

1. Open containers seized in public intoxication cases shall be destroyed in the field.

d. Alcoholic beverages seized in cases other than those listed above shall be processed in the same manner as other types of evidence.

807.8.2 PHOTOGRAPHS TAKEN IN CONNECTION WITH INVESTIGATIONS

a. All 35mm and digital photographs taken in connection with a specific crime investigation will be taken on one roll of film. If necessary, additional rolls of film may be used. For film to be accepted for development by

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the Scientific Investigations Unit, the first exposure on each roll will be the start card, which is provided by the Scientific Investigations Unit. This card shall contain the crime report number, the date, the time of the photo, type of incident, and the photographer's name.

b. The exposed roll may be hand delivered to the Scientific Investigations Unit, or placed in an evidence envelope and deposited in the evidence locker.

c. The roll shall be marked with a distinctive red mark if prints are required for further investigation or court, otherwise, the photo lab only will develop negatives.

d. The Scientific Investigations Unit shall maintain custody of all negatives and Digital photograph Compact Diskette produced.

e. The Scientific Investigations Unit shall maintain a supply of unexposed film for the Investigations Division, the Coroner's Office, and the Scientific Investigations Unit.

807.8.3 VARIATION IN PROCEDURE

The Supervisor of the Scientific Investigations Unit must approve in advance any variation from standard property and evidence handling procedures in writing.

807.8.4 FIELD RELEASE OF PROPERTY

Deputies shall not release property that contains evidence or from which evidence was recovered, to the owner /victim or authorized agent at the scene. Deputies shall book the property into the evidence lockers.

a. Exceptions to this are:

    1. Food or drink, which is packaged in sealed container, is considered perishable if the seal has been broken.

    2. Perishable goods, e.g. those items which will likely spoil, evaporate, or otherwise deteriorate or change form.

    3. Items requiring special handling (i.e. toxic chemicals, radioactive items, explosives/fireworks, sub-zero storage, tools of trade, wheelchairs).

    4. The above types of items shall be released according to section 1. (Procedure for Release).

b. Deputy's shall release non-evidence property to the owner/victim or authorized agent at the scene. If immediate release is not possible, the Deputy shall book the property into the evidence lockers for safekeeping.

c. Criteria for in-field release of Non-Evidence Property:

    1. The victim/owner or authorized agent presents proper identification and reasonable proof of ownership.

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2. Ownership of the property is not disputed.

3. The victim/owner or authorized agent signs a receipt for the property.

d. Procedure for release - Items of evidentiary value shall only be released if they meet the exceptions listed in § 805.84 (a), upon the criminal case being adjudicated and the appeal period expiring, by written directive from the District Attorney's Office, or Court Order. The release shall be documented in the following manner:

1. A photograph shall be taken of the item with identifying serial number, if any. A photograph should also be taken of any unique or distinguishing characteristics, which would be beneficial in establishing identification of the property.

2. The victim/owner or authorized agent must sign a Property Receipt form, declaring ownership and agreeing not to dispose of the property until notification is received that the investigation concerning that property is officially closed or adjudicated. If the victim/owner or authorized agent refuses to sign the Property Receipt form, the property will not be released.

3. The Property Officer releasing the evidence shall attach a copy of the written direction or Court Order to the evidence card/evidence module printout and the original releasing document shall be placed in the case file retained in Records.

807.8.5 PROPERTY ROOM PROCEDURES

Logging, storage, and disposal of property shall be in compliance with all applicable laws and regulations and Department procedures.

807.8.6 WITHDRAWING AND RETURNING EVIDENCE

a. Evidence withdrawal - Deputies may withdraw evidence from the evidence storage room when such evidence is to be used in court or is needed for the investigation follow-up. The following procedure shall be followed:

1. The requesting Deputy will contact the Scientific Investigations Unit and specify what evidence is needed and when they will call for it.

2. It shall be the responsibility of the Scientific Investigations Unit to release the requested item to the Deputy or Correctional Officer.

3. The Scientific Investigator or his designee shall make certain the property records for the evidence item (s) is signed by the person receiving the item on the evidence card/evidence module printout. The item then becomes the responsibility of the receiving party.

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4. If the item is released for court purposes, the receiving person will also sign a court chain-of-custody form, which will accompany the item to court. If the court retains the item, the receiving Deputy /Correctional Officer will have the court clerk sign the form, and a copy of it will be returned to the Scientific Investigations Unit.

5. Whenever the evidence is withdrawn pursuant to a legal court order, a copy of the order shall be attached to the evidence card.

b. Property withdrawal from the evidence storage area for any purpose other than court will be accomplished in the following manner:

    1. The receiving Deputy or Correctional Officer shall sign the corresponding evidence card/evidence module printout, and Scientific Investigator releasing the property will initial and date the card indicating the release.

c. Property Return

    1. When property is returned to the Property Custodian, the following procedure will be followed:

        a. The contents of unsealed property envelopes shall be verified and the package resealed by the returning Deputy or Correctional Officer, and the seals on sealed packages shall be checked.

        b. The corresponding evidence card shall be updated and initialed by the Property Custodian.

807.9 DISPOSAL OF PROPERTY

807.9.1 EVIDENCE

a. Responsibilities of the investigating Deputy or Correctional Officer

    1. In all cases, property which is not essential to the successful prosecution of a case or which has no further evidentiary value shall be promptly released to the owner or otherwise disposed of during the course of, or immediately following, the investigation.

        a. It is the responsibility of the investigating Deputy or Correctional Officer to notify the Scientific Investigations Unit that retention of the evidence/property is no longer needed.

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b. Whenever an owner/victim or authorized person requests the release of property, the Scientific Investigations Unit shall conduct any necessary follow-up to determine if the property may be released without jeopardizing the ongoing investigation or criminal prosecution. Scientific Investigations shall be responsible for coordinating the release of the property.

    a. If the suspect in a case requests the release of evidence, the person will be directed to contact the District Attorney's Office to obtain a written release for that item. Upon receipt of the authorization the item shall be released, providing the person is legally entitled to posses the item. The Scientific Investigations Unit will make reasonable inquiries to ensure this.

807.9.2 RESPONSIBILITIES OF THE SCIENTIFIC INVESTIGATIONS UNIT

Except in the case of field releases, Scientific Investigations will only release property when proper entries are made on the corresponding evidence card/evidence module printout indicating the disposition and method of release.

807.9.3 FOUND PROPERTY

a. Responsibilities of the Investigating Deputy or Correctional Officer

    1. Deputies receiving found property shall complete a crime report and forward the original report to the Records Division.

b. Responsibilities of the Scientific Investigation Unit.

    1. The Scientific Investigations Unit shall dispose of found property in compliance with applicable law and Department Policy. Every effort will be made to identify the owner before disposition is made.

807.9.4 SAFEKEEPING

a. Responsibilities of the investigating Deputy or Correctional Officer

    1. Employees booking property for safekeeping shall complete a crime report, clearly indicating in the report to whom the property should be returned to. If the property is not available for immediate release, the investigating Deputy/Correctional Officer shall indicate on which date the property may be released.

        a. If the property is a firearm or other deadly weapon (as defined in section 12020 of the Penal Code) is seized in a 5150 WIC case, the investigating Deputy shall enter "5150" on the evidence tag. The original report will be forwarded to the Records Division.

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b. If the property is a firearm seized in a Domestic Violence incident, the investigating Deputy shall enter "DV" on the evidence tag. The report original report will be forwarded to the Records Division.

b. Responsibilities of the Scientific Investigations Unit

a. The Scientific Investigations Unit will arrange to release all safekeeping property as soon as it becomes available for release. If the owner fails to claim the property in a timely manner, Scientific Investigations shall dispose of the property in compliance with all applicable laws and Department policy.

b. Domestic Violence Weapon Release

1. Per Penal Code 12031.3 All firearms seized by law enforcement agencies require the requester to submit an application form for a determination by the Department of Justice (DOJ) as to whether the requester is eligible to possess a firearm. If the requester is eligible, DOJ will provide an authorization letter with a "golden seal" approving the requester eligible.

The Scientific Investigations Unit will then research the requester's eligibility to ensure the requester is not listed under the Firearms Prohibiting Categories. The Evidence Custodian shall research the requester's background via RAP Sheet, Records Division, Spillman Computer (searching for Restraining Orders or other disqualifying information). Prior to release of the weapon the FCN number must be removed from the Automated Firearms System (AFS) via dispatch revealing the weapon as released to the owner.

807.9.5 PROPERTY RECEIVED FOR DESTRUCTION

a. Responsibilities of investigating Deputy/Correctional Officer

1. Deputy/Correctional Officers booking property for destruction shall complete a crime report. The original report will be forwarded to the Records Division.

b. Responsibilities of the Scientific Investigations Unit.

1. Upon receiving property for destruction, the Scientific Investigations Unit shall destroy in compliance with applicable law and Department policy.

807.9.6 REQUEST FOR DISPOSITION

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When the Scientific Investigations Unit receives a court disposition, District Attorney's rejection, or otherwise determines that property may be available for release, they shall notify the investigating Deputy/Correctional Officer and request a release of property memorandum.

Upon receipt of the evidence release memorandum or court disposition, the Scientific Investigations Unit shall review the reports and documents pertinent to the case to ensure that the property has been held the legally required amount of time, and no investigation or prosecution of any defendant will be jeopardized by the release of the property. If the evidence is cleared for release, the Scientific Investigations Unit will mark the evidence card /evidence module printout and follow through with the following dispositions:

a. Returned to owner

b. Destroyed

c. Other (with explanation)

807.9.7 DISPOSAL OF FIREARMS

a. All firearms obtained through the authority of a search warrant shall require a court order for disposal

    1. The request for the court order for destruction shall be processed on pleading paper and obtained by the Scientific Investigations Unit.

    2. The request shall include the case numbers, name of involved parties, identifying numbers for the firearm(s) reason for the request, and method of disposal.

b. Firearms may be disposed of as follows:

    1. Departmental use for training, issuance, or other authorized usage.

    2. For a weapon to be used by a Division within the Sheriff's Office, the following procedure will be followed:

c. The Chief Deputy of the Division that is requesting the weapon shall submit a request to the Sheriff for authorization to retain the weapon.

d. The Chief Deputy of the Division shall submit the signed authorization to the Scientific Investigations Unit who will then obtain the court order for the Department use of the weapon.

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e. Upon receipt of the signed court order, the Scientific Investigations Unit will release the weapon to the Department Range Master for a safety inspection of the weapon. Upon the Range Master's indication that the weapon is safe for Department use, the weapon will be released to the Range Master and his/her signature obtained on the corresponding evidence card for the weapon.

f. If the weapon is deemed to be unsafe it will be returned to the Scientific Investigations Unit where it will be disposed off in compliance with applicable law and Department policy.

g. Destroyed as a nuisance, or if no value because of condition, manufacturer, size, or caliber.

    1. Firearms shall be destroyed by cutting machinery and will be rendered inoperable and unrepairable by cutting through the cylinder, action, and barrel. Whole items or parts with serial numbers will be cut into several pieces.

    2. Destruction shall be conducted with at least two (2) members of the Scientific Investigations Unit present, and if possible, accompanied by another member of the Department.

    3. Firearms obtained as found property or turned over to the Department by the legal owner or his authorized agent may be used by the Department, or otherwise disposed of with the owner's knowledge and approval. Usage or destruction shall be as indicated in Section 2 (a) (1) (a) through (d). A court order shall be required in these cases.

        a. Every effort shall be made to locate legal owners of firearms, which are found or held for safekeeping prior to disposal. This effort shall be documented in a crime report and corresponding evidence card.

        b. Found firearms must be held for a period of one hundred and eighty (180) days prior to disposal, and after all efforts to locate the owner have been exhausted.

        c. All firearms shall be checked through the California Department of Justice to determine ownership, with copies of all documentation attached to the evidence card.

        d. Firearms without serial numbers will be disposed of by court order.

        e. All firearms released must have FCN removed from Automated Firearms System (AFS) through dispatch.

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Records Maintenance and Release

808.1 PURPOSE AND SCOPE

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

808.2 POLICY

The Imperial County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

808.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

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

a. Managing the records management system for the department, including the retention, archiving, release, and destruction of department public records.
b. Maintaining and updating the department records retention schedule including:
    1. Identifying the minimum length of time the department must keep records.
    2. Identifying the department personnel responsible for the original record.
c. Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
d. Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
e. Establishing rules regarding the processing of subpoenas for the production of records.
f. Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
g. Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
h. Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
i. Ensuring that public records posted on the department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
j. Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the department's website (Government Code § 7922.710; Government Code § 7922.720).

808.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

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

808.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

1. The department is not required to create records that do not exist.
2. Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
3. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
    a. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
    b. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
4. Upon request, a record shall be provided in an electronic format utilized by the department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
5. When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
    a. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

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6. If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

808.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

a. Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
b. Social Security numbers (Government Code § 7922.200).
c. Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
    1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
    2. The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff, or as required by law.
d. Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
    1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.
    2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
e. Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
f. Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the

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investigation or a related investigation. This includes analysis and conclusions of investigating deputies (Evidence Code § 1041; Government Code § 7923.605).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.

g. Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
    1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the City Attorney, or the courts pursuant to Penal Code § 1054.5.
h. Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
i. Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
j. Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
k. Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
l. Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
m. Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).
n. Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
o. A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
p. Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
q. Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

808.5.1 ADULT RECORD SEALING & DESTRUCTION

Upon a receipt of a court ordered sealing, the Law Enforcement Agency shall seal its arrest records and the court order for 3 (three) years from the date of arrest and thereafter destroy such records. (Penal Code § 851.8)

808.5.2 RELEASED RECORDS TO BE STAMPED

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Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.

808.6 SUBPOENAS AND DISCOVERY REQUESTS

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

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

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

808.6.1 ACCESS TO SEALED RECORDS

Access to, or dissemination of, information in a sealed file is not allowed for any reason, except by Court Order. (Welfare & Institution §781) & (Penal Code § 851.8)

808.6.2 JUVENILE RECORD SEALING & DESTRUCTION

Qualifying: Five years after the jurisdiction of the juvenile court has ended, or 5 years since the juvenile was cited to appear before a probation officer or Law Enforcement Agency or at any time after the age of 18, the person may petition the court for the sealing of the records relating to the person's case. The person must not have been convicted of any Felony or Misdemeanor. (Welfare & Institution §781)

Juvenile records, in the possession of the Law Enforcement Agency, that have been sealed under W&I 781, may be destroyed 5 years after the record was ordered sealed. (Five years from the date the judge signed the sealing order.) (Welfare & Institution §826(a) & (b).)

808.6.3 ACCESS TO SEALED RECORDS

Access to, or dissemination of, information in a sealed file is not allowed for any reason, except by Court Order. (Welfare & Institution §781) & (Penal Code §851.8)

808.7 RECORD RETENTION & DESTRUCTION

Sheriff’s Office records will be retained in compliance with the Resolution of the Board of Supervisor of the County of Imperial establishing a records retention schedule (Resolution No. 2008-024).

808.8 ARREST RECORD RETENTION & DESTRUCTION

Misdemeanor and/or Felony arrests records will be permanently retained in electronic format as per the Resolution of the Board of Supervisor of the County of Imperial establishing a records retention schedule (Resolution No. 2008-024).

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808.9 OTHER DEPARTMENT RECORDS RETENTION & DESTRUCTION

Government Code § 34090 provides that the head of a county department may destroy certain county records, documents, or instruments under his charge, without duplication, with the approval and with the written consent of the Board of Supervisors.

The following will be retained for two (2) years and will be destroyed after.

a. Expired Sheriff Department issued permits and licenses including applications and related documentation (includes all applications and supporting documentation where no permit or license was issued, from the date of notice of denial or withdrawal.

b. The records specified above do not include any documents relating to capital crimes, embezzlement of public funds, bribery of public officials, reports involving Imperial County employees or any prisoner arrest files of child abuse reports.

808.10 RELEASED RECORDS TO BE MARKED

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

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

808.11 SEALED RECORD ORDERS

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

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the records supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

808.11.1 SEALING JUVENILE RECORDS

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

Upon receiving a list of juvenile arrest records that are eligible to be sealed from the California Department of Justice (DOJ), the Records Supervisor or the authorized designee shall review the records identified in the list and determine if the records are eligible to be sealed in accordance with Welfare and Institutions Code § 781.2. Within

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six months of receiving the list, the Records Supervisor or the authorized designee shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

808.12 SECURITY BREACHES

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

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

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

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

808.12.1 FORM OF NOTICE

1. The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
    a. The date of the notice.
    b. Name and contact information for the Imperial County Sheriff's Office.
    c. A list of the types of personal information that were or are reasonably believed to have been acquired.
    d. The estimated date or date range within which the security breach occurred.
    e. Whether the notification was delayed as a result of a law enforcement investigation.
    f. A general description of the security breach.
    g. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

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2. The notice may also include information about what the Imperial County Sheriff's Office has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
3. When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
    a. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
    b. When the breach involves an email address that was furnished by the Imperial County Sheriff's Office, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

808.12.2 MANNER OF NOTICE

1. Notice may be provided by one of the following methods (Civil Code § 1798.29):
    a. Written notice.
    b. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
    c. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the department does not have sufficient contact information. Substitute notice shall consist of all of the following:
        1. Email notice when the department has an email address for the subject person.
        2. Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
    d. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
2. If a single breach requires the department to notify more than 500 California residents, the department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

808.13 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Generally, Body Worn Camera (BWC) footage is exempt from disclosure under the CPRA (Government Code 6254 et. seq., Penal Code 832.5, 832.7, 832.8, and Evidence Code 1043, 1046).

In some instances, BWC footage may be released; however, BWC footage is subject to the same potential redactions as other writings. Absent a valid court order or other statutory authority, BWC videos are subject to the same restrictions as crime reports and other writings. Such restrictions include, but are not limited to, information such as the addresses, telephone numbers, and names of sexual assault victims, or victims of domestic violence and victims who have requested their information not be disclosed (Government Code 6254(f)(2)).

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Absent a waiver by the Sheriff, BWC footage will only be release, subject to redactions, in instances where;

a. An employee discharges a firearm at someone, or,

b. An employee is involved in a use of force which causes great bodily injury or death (Senate Bill 1421; Penal Code 832.7 and 832.8)

Additionally, Assembly bill 748, which amended certain portions of Government Code 6254, became effective on July 1, 2019. Per Assembly Bill 748, video and audio recordings that relate to an incident involving the discharge of a firearm at a person or an incident involving the use of force which resulted in great bodily injury or death, by a peace or custodial officer, will be released except in certain circumstances (Government Code 6254(f)(4); 6254(f)(4)(C)(i) and 6254(f)(4)(C)(ii))

These circumstances include:

a. During an active criminal or administrative investigation, disclosure may be delayed for no longer than 45 calendar days after the agency knew or reasonably should have known about the incident (Government Code 6254(f)(4)(A)(i)).

b. If the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because disclosure would violate the reasonable expectation of privacy of someone depicted in the recording. The Sheriff's Office may use redaction technology to obscure those portions of the recording to protect the interest (Government Code 6254(f)(4)(8)(i)).

c. The recording will be released, either redacted or unredacted, to the subject whose privacy is to be protected, his or her representative, parent or guardian (in the case of a minor), or the heir, beneficiary, designated immediate family member, or authorized legal representative (in the case of a deceased person). The recording may be withheld if disclosure would interfere with an active criminal or administrative investigation (Government Code 6254(f)(4)(B)(iii) and Penal Code 832.7(b)(7)(A)).

d. In cases where there is an ongoing criminal/civil investigation or court process, the records may be withheld until either 30 days after the trial finding/plea or the administrative investigation, whichever is later (Assembly Bill 748 and Government Code 6254(f)(4)(A)(i)-(B)(iii)).

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a deputy, or depicts an incident in which the use of force by a deputy against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

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

808.13.1 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

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

If the department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

808.13.2 REDACTION

If the Custodian of Records, in consultation with the Sheriff or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

808.13.3 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

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a. During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

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

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

808.13.4 DELAY OF RELEASE

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

1. Disclosure may be delayed up to 45 days from the date the department knew or reasonably should have known about the incident.
2. Delay of disclosure may continue after the initial 45 days and up to one year if the department demonstrates that disclosure would substantially interfere with the investigation.
3. Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

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Protected Information

809.1 PURPOSE AND SCOPE

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

809.1.1 DEFINITIONS

Definitions related to this policy include:

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

809.2 POLICY

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

809.3 RESPONSIBILITIES

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

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

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

809.4 ACCESS TO PROTECTED INFORMATION

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

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

809.4.1 PENALTIES FOR MISUSE OF RECORDS

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

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

809.4.2 RELEASE OF CORI

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

a. Criminal Records Security Officer
b. Records Division Supervisor
c. Full-time employees of the Records Division
d. Personnel specifically designated in writing by the Administrative and Support Services Division Chief with the concurrence of the Criminal Records Security Officer

809.4.3 RELEASE OF CORI TO FIELD PERSONNEL

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

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

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

809.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

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

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

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

809.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

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

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

809.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of deputies, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDT or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

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

809.6 SECURITY OF PROTECTED INFORMATION

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

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

a. Developing and maintaining security practices, procedures, and training.

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

809.6.1 MEMBER RESPONSIBILITIES

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

809.7 TRAINING

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

809.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Division, Communications Center (Dispatch) and in the Investigations Division to preclude access by unauthorized persons.

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

809.7.2 DESTRUCTION OF CORI

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

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

809.7.3 CUSTODIAN OF CRIMINAL RECORDS

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

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

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

809.8 TRAINING PROGRAM

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

809.9 PENALTIES FOR MISUSE OF RECORDS

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

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

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

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

809.10 CALIFORNIA RELIGIOUS FREEDOM ACT

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

809.11 VIRUS, PATCH & VULNERABILITY MANAGEMENT POLICY

Overview

Computer viruses are designed to exploit flaws or errors in software. These flaws or errors, known as vulnerabilities, can allow attackers the ability to gain access to and control a target computer which, in turn, becomes an entry point into the network. Desktops, laptops, servers, applications, and network devices can serve as access points to sensitive and confidential County data. Security updates, patches, and anti-malware software are used and implemented by ITS to protect and mitigate threats to the overall health of Imperial County Sheriff's Office network.

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Policy Purpose

The purpose of this policy is to proactively manage Imperial County Sheriff's Office computing resources and prevent their infection by computer viruses and malicious code.

Scope

All users of the Imperial County Sheriff's network, including parties who work on the computer or network systems, will be subject to the provisions of this policy. Contractors that are granted remote access by ITS/County shall be provided a copy of this policy and be required to agree to the content prior to being allowed access to County systems.

Policy

Virus Protection

A. All computers and servers connected to the Sheriff's office network shall be configured in accordance with this policy as follows:

1. All computer devices shall have the most recent version of anti-virus software that has been tested and approved by ITS, installed, and actively running on these devices.

2. All computer devices shall be configured to automatically receive daily virus definition file updates from centrally administered resources managed by ITS.

3. All files on computer devices shall be scanned periodically for viruses 4. User shall not take action, without ITS approval, to exclude his or her computer from updates covered by this section.

B. An exception may be made by ITS in instances where the virus protection software interferes with a department's proprietary application processes and database structures.

Patch Management

A. ITS shall provide and maintain common software patches and updates for computing devices.

1. All computers and server connected to the Imperial County Sheriff network must be configured to receive updates and patches from the centrally administered resource.

2. All patches shall be deployed by ITS within a reasonable time in relation to the level of risk. ITS shall prioritize that correct vulnerabilities that represent an imminent risk the County's computing environment. ITS shall adhere to the following prioritization guidelines:

a. All updates categorized by the vendor as "critical" with known attacks shall be applied within 30 days of release.

b. All updates categorized by the vendor as "critical" but with no known attacks shall be applied within 45 days of release.

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c. All updates categorized by the vendor as "important" shall be applied within 60 days of release.

d. Non-security related patches, such as those that provide additional functionality or address performance issues, shall be completed as soon as adequate testing has been completed.

3. If there is an active cyber incident, virus outbreak, or other critical issue that can be resolved with a security patch, ITS may direct its staff to immediately deploy a patch to all systems.

a. Policy Enforcement

b. ITS retains the authority to disconnect an infected system from the network if the responsible Department fails to manage the infection in a timely manner. Any system found in violation of this policy could result in the system being taken offline until the situation has been corrected.

4. All new devices shall be patched to the current level, as defined by the operating system vendor, prior to the device being connected to the County's network.

5. If the County's centralized automated tool cannot be used for patching, the application owner must develop a process for provisioning updates and ensure updates are deployed.

B. Patch management on systems running proprietary applications may require vendor certification of patches prior to installation that includes consideration of the underlying operating system.

1. In the event that a department requires an exception to a patch installation, any vulnerability shall be mitigated by other forms of compensating controls in consultation with ITS. The exception shall require an advance written waiver signed by the Department head responsible for the application/system and approved by the ITS.

Vulnerability Management

A. Annual and periodic or continuous vulnerability assessment scans will be performed on all network assets

B. ITS shall periodically assess the security of the County's computer systems by conducting vulnerability assessments and penetration testing by scanning computing devices.

1. Following these assessments, ITS shall recommend security fixes or other compensating controls to improve the security of the computing environment.

2. Patches on production systems (e.g. servers and enterprise applications) may require complex testing and installation procedures. In certain cases, risk mitigation rather than patching may be preferable. The risk mitigation alternative selected should be determined through an outage risk to exposure comparison.

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Crime Prevention Unit

810.1 PURPOSE AND SCOPE

The purpose of the Crime Prevention Unit (C.P. Unit) is to be the educational and promotional arm of the Sheriff's Office. The Unit's duties include, but are not limited to, parades, drug education, the Sheriffs booth at the annual Midwinter Fair and Fiesta, Child ID, Neighborhood Watch, school and public education, special events for the Sheriff's Office (Volunteer Services BBQ, dinners, Christmas Food and Toy Drive, etc), Vial of Life and other such activities.

810.2 GENERAL REQUIREMENTS

The job requires the following attributes:

a. Ability to teach and speak in public

b. Good communication skills with children and adults

c. Ability to work with others, especially in stressful conditions

d. Ability to lift 50 pounds

e. Must be available for overtime and after hours assignments

f. Must possess good organizational skills

g. Must have good computer skills, experience with Word, Excel, Access or Works, and Publisher are especially helpful.

h. Ability to work with the public when they are upset or unpleasant without reacting negatively

810.3 UNIFORM GUIDELINES

a. CP Unit officers will conform to deputy uniform guidelines as detailed in the SOP.

b. "Soft" uniforms, consisting of polo shirts, skirt or slacks, can be worn when not doing public presentations, or when the occasion calls for a soft uniform. Polo shirts may be embroidered with the Sheriff's Office badge with the words "Crime Prevention" replacing "Deputy Sheriff" within the badge itself.

c. CP Unit officers will wear their badge in a holder when in soft uniform.

d. Certain details may require the wearing of casual clothing. The CP Supervisor will decide which details require this. All clothing must fit Sheriff's Office guidelines for propriety.

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810.4 GENERAL GUIDELINES

a. Unless otherwise specified, all CP Unit officers hours are flexible and subject to change as necessary and may be required to attend parades, neighborhood watch or other functions. The CP Unit Supervisor will have the final say on which officers work which events or details.

b. If a CP Unit officer is involved in another Sheriff's Office unit or volunteer group, the CP Unit officer will ride with the CP Unit parade entry. At no time shall a CP Unit officer ride or participate with another group's entry in a parade unless specifically given permission by the CP Unit Supervisor.

c. Daily work hours are 8 AM to 5 PM, Monday through Friday. A one hour lunch break is to be taken each day.

d. All overtime, vacation, or comp time slips are to be approved by the CP Unit Supervisor.

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Computers and Digital Evidence

811.1 PURPOSE AND SCOPE

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

811.2 SEIZING COMPUTERS AND RELATED EVIDENCE

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

a. Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

b. Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

c. If the computer is off, do not turn it on.

d. If the computer is on, do not shut it down normally and do not click on anything or examine any files.

    1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

    2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

e. Label each item with case number, evidence sheet number, and item number.

f. Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

g. Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

h. At minimum, deputies should document the following in related reports:

    1. Where the computer was located and whether or not it was in operation.

    2. Who was using it at the time.

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3. Who claimed ownership.

4. If it can be determined, how it was being used.

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

811.2.1 BUSINESS OR NETWORKED COMPUTERS

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

811.2.2 FORENSIC EXAMINATION OF COMPUTERS

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

a. Copy of report(s) involving the computer, including the Evidence/Property sheet.

b. Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

c. A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

d. An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

811.3 SEIZING DIGITAL STORAGE MEDIA

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

a. If the media has a write-protection tab or switch, it should be activated.

b. Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Evidence Room to copy the contents to an appropriate form of storage media.

c. Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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d. Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

e. Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

811.4 SEIZING PCDS

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

a. Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

b. Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

c. When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

811.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

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

811.5.1 COLLECTION OF DIGITAL EVIDENCE

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

811.5.2 SUBMISSION OF DIGITAL MEDIA

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

a. The recording media (smart card, compact flash card or any other media) shall be brought to the Evidence Room as soon as possible for submission into evidence.

b. Deputies are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.

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c. As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

d. Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

e. Deputies requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

811.5.3 DOWNLOADING OF DIGITAL FILES

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

a. Files should not be opened or reviewed prior to downloading and storage.

b. Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

811.5.4 PRESERVATION OF DIGITAL EVIDENCE

a. Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

b. Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

c. If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Jeanne Clery Campus Safety Act

812.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Campus Safety Act (Clery Act) as well as applicable California Education Code requirements.

812.2 POLICY

The Imperial County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Imperial County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Imperial County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Imperial County Sheriff's Office and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

812.3 POLICY, PROCEDURE, AND PROGRAM DEVELOPMENT

The Sheriff shall:

a. Ensure that the Imperial County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
b. Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):
    1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
        a. This includes identification of the responsibilities for sexual assault, hate crimes, and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery, or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).
    2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
    3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).

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4. Notify the Imperial County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
5. Notify the Imperial County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

c. Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
d. Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
e. Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and what to do if an offense occurs, including but not limited to who should be contacted, the importance of preserving evidence, and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for in 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
f. Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).
g. Appoint a designee to assist in the development of prevention and awareness programs related to hazing as defined by the institution, including but not limited to the procedures for reporting and investigating incidents; information on local, state, and tribal laws on hazing; and hazing prevention strategies (20 USC § 1092(f)(1)(K); 20 USC § 1092(f)(1)(L)).

812.3.1 ADDITIONAL REQUIREMENTS

The Sheriff or the authorized designee will also (Education Code § 67386):

1. Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence, and stalking involving a student whether it occurred on- or off-campus including:
    1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
    2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications, and participation by victim advocates and other supporting individuals.
2. Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.
3. Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.

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4. Ensure that any reported Part 1 violent crime, sexual assault, or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the Imperial County Sheriff's Office or the institution (Education Code § 67380).
    a. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have their personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees, or the institution, and the immediate assistance of the Imperial County Sheriff's Office is necessary to contact or detain the assailant (Education Code § 67380).
    b. If the institution discloses the identity of the alleged assailant to the Imperial County Sheriff's Office, the institution must immediately inform the victim of that disclosure (Education Code § 67380).
5. Ensure the victim receives the following information:
    1. Options on rights to obtain a sexual assault forensic medical examination including the right to be accompanied to the examination by a certified sexual assault counselor and/or support person of the victim's choosing
    2. How to access transportation to an examination site, including transportation options provided or arranged by the campus
6. Assist as requested in providing transportation or transportation options to eligible victims of sexual violence to a Sexual Assault Forensic Examination (SAFE) or Sexual Abuse Response Team (SART) exam center for the administration of a sexual assault forensic medical evidence kit.
    1. Transportation information should be documented and provided to the institution for reporting purposes to the state legislature.

812.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining Imperial County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

a. Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
    1. Murder
    2. Sex offenses, forcible or non-forcible
    3. Robbery
    4. Aggravated assault
    5. Burglary
    6. Motor vehicle theft
    7. Manslaughter
    8. Arson

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9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession
10. Dating violence, domestic violence, and stalking
11. Hazing

b. Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage, or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of their actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity, or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
    1. The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(13); 34 CFR 668.46(c)(5)):
        a. On campus.
        b. In or on a non-campus building or property.
        c. On public property.
        d. In dormitories or other on-campus residential or student facilities.
c. Statistics will be included by the calendar year in which the crime was reported to the Imperial County Sheriff's Office (34 CFR 668.46(c)(3)).
d. Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location in which the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
e. Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
f. The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).
g. Hazing incident statistics shall be compiled using the definitions in the Stop Campus Hazing Act (20 USC § 1092 (f)(6)(A)(vi)). The statistics shall be compiled for each single incident and as required by 20 USC § 1092 (f)(7).

812.4.1 CRIME LOG

The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

a. The daily crime log will record all crimes reported to the Imperial County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.
b. All log entries shall be made within two business days of the initial report being made to the Department.
c. If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the Sheriff's Office or security department.
d. The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within

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two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

812.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The records supervisor is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

a. All occurrences reported to the Imperial County Sheriff's Office and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
b. All occurrences of noncriminal acts of hate violence reported to the Imperial County Sheriff's Office for which a written report is prepared.

812.5 INFORMATION DISSEMINATION

It is the responsibility of the Administrative and Support Services Chief Deputy to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

a. Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).
b. Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
c. Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include but is not limited to:
    1. Crime statistics and the policies for preparing the crime statistics.
    2. Crime and emergency reporting procedures, including the responses to such reports.
    3. Policies concerning security of and access to campus facilities.
    4. Crime, dating violence, domestic violence, sexual assault, and stalking awareness and prevention programs, including:
        a. Procedures victims should follow.
        b. Procedures for protecting the confidentiality of victims and other necessary parties.
    5. Policies and incident prevention and awareness programs concerning hazing, including:
        a. Procedures for reporting incidents.
        b. Procedures for investigating incidents.

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c. Information on applicable local, state, and tribal laws on hazing.
d. Primary prevention strategies (e.g., bystander intervention, ethical leadership, building group cohesion without hazing).

6. Enforcement policies related to alcohol and illegal drugs.
7. Locations where the campus community can obtain information about registered sex offenders.
8. Emergency response and evacuation procedures.
9. Missing student notification procedures.
10. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

d. Information necessary for the institution to prepare the Campus Hazing Transparency Report (CHTR) (20 USC § 1092(f)(9)).

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Animal Control

813.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

813.2 [ANIMAL CONTROL] RESPONSIBILITIES

Animal control services are generally the primary responsibility of [Animal Control] and include:

a. Animal-related matters during periods when [Animal Control] is available.
b. Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that [Animal Control] is available for investigation and resolution.
c. Follow-up on animal-related calls, such as locating owners of injured animals.

813.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

1. There is a threat to public safety.

2. An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

3. An animal is creating a traffic hazard.

4. An animal is seriously injured.

5. The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

    1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
    2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
    3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

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813.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

813.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

813.5.1 VETERINARY CARE

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

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

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

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

813.5.2 INJURED WILDLIFE

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

813.5.3 RESCUE OF ANIMALS IN VEHICLES

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

a. Make a reasonable effort to locate the owner before entering the vehicle.
b. Take steps to minimize damage to the vehicle.

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c. Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
d. Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
e. Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
f. Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

813.6 POLICY

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

813.7 ANIMAL CRUELTY COMPLAINTS

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

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

813.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

813.9 STRAY DOGS

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

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

813.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

813.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

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813.12 DESTRUCTION OF ANIMALS

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

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CJIS Access, Maintenance, and Security

814.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access, process, store, or transmit Criminal Justice Information.

814.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access, process, store, or transmit CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

814.2 POLICY

It is the policy of the Imperial County Sheriff's Office to maintain the security, confidentiality, and integrity of its information systems that access, process, store, or transmit CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

814.3 CJIS COORDINATOR

The Sheriff shall appoint a CJIS coordinator, who shall be responsible for the Imperial County Sheriff's Office's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

814.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS coordinator include but are not limited to:

a. Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the California Justice Information Services.
b. Managing member accounts with access to CJI, including:
    1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.

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2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts, validating new passwords against known compromised or commonly used passwords).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

c. Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:
    1. Maintaining a list of organizations and personnel approved by the Sheriff to perform maintenance on CJI systems.
    2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
    3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
    4. Maintaining records for all system maintenance and diagnostic activities.
d. Configuring remote access systems and devices only with the explicit authorization of the Sheriff or the authorized designee, including:
    1. Routing through authorized and managed access control points (e.g., firewalls, secure gateways).
    2. Mandatory multi-factor authentications for users.
    3. Use of automated mechanisms to monitor and control remote access methods.
    4. Mandatory encryption (e.g., VPN, Transport Layer Security).
    5. Required logging of all remote access activity.
e. Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.
f. Providing for the security of hardware that includes provisions for the following:
    1. How hardware is to be brought into and taken out of department facilities
    2. Physical security of hardware within department facilities
    3. Physical security of areas containing network connections and transmission lines, including monitored access
g. Implementing and carrying out the department Incident Response Plan, including:
    1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
    2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
    3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).
    4. Providing information on security incidents to any third-party software developers or vendors as appropriate.
h. Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

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i. Developing and updating department information security and privacy literacy training and incident response training as required by policy.
j. Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.
k. Managing the development, documentation, and dissemination of applicable policies and procedures for the following:
    1. Access Control
    2. Awareness and training
    3. Auditing and accountability
    4. Assessment, authorization, and monitoring
    5. Configuration management
    6. Contingency planning
    7. Identification and authentication
    8. Incident response
    9. Maintenance
    10. Media protection
    11. Physical and environmental protection
    12. Planning
    13. Personnel security
    14. Risk assessment
    15. Systems and services acquisition
    16. Systems and communications protection
    17. System and information integrity
    18. Supply chain risk management
l. Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Sheriff.

814.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

814.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

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814.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Sheriff or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

a. The account has expired.
b. The account is no longer associated with a member.
c. The account is found to be in violation of this policy.
d. The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

814.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

a. Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.
b. Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.
c. Non-privileged members shall not be allowed to execute privileged functions.

814.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

814.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on [department/office] systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall only be conducted by authorized members and shall be documented.

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814.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

814.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

a. Flaw remediation.
b. System monitoring.
c. Security alerts, advisories, and directives.
d. Software, firmware, and information integrity controls.
e. Spam protection.

814.9 INCIDENT RESPONSE PLAN

[Insert your agency's Incident Response Plan consistent with CJIS 5.3 IR-4, IR-7, and IR-8 – see the Guide Sheet for additional guidance.]

814.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

814.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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Chapter 9 - Custody

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Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Imperial County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors, and the public.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 SEARCHES AT SHERIFFS FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Imperial County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

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Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.3.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Imperial County Sheriff's Office identification number and information regarding how and when the property may be released.

900.3.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.4 STRIP SEARCHES

No individual in temporary custody at any Imperial County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

a. The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
b. Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
    1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
c. Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

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d. The individual's actions or demeanor.
e. Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.4.1 STRIP SEARCH PROCEDURES

Strip searches at Imperial County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

a. Written authorization from the Watch Commander shall be obtained prior to the strip search.
b. All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
c. All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
d. Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
e. Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
f. The primary member conducting the search shall prepare a written report to include:
    1. The facts that led to the decision to perform a strip search.
    2. The reasons less intrusive methods of searching were not used or were insufficient.
    3. The written authorization for the search, obtained from the Watch Commander.
    4. The name of the individual who was searched.
    5. The name and sex of the members who conducted the search.
    6. The name, sex, and role of any person present during the search.
    7. The time and date of the search.
    8. The place at which the search was conducted.
    9. A list of the items, if any, that were recovered.
    10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
g. No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

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h. If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
i. A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

900.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Sergeant authorization and only in exceptional circumstances, such as when:

a. There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
b. There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Sergeant authorization does not need to be in writing.

900.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

a. No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
b. Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
c. Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
d. Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
e. All such searches shall be documented, including:
    1. The facts that led to the decision to perform a physical body cavity search of the individual.
    2. The reasons less intrusive methods of searching were not used or were insufficient.
    3. The Watch Commander's approval.
    4. A copy of the search warrant.
    5. The time, date and location of the search.
    6. The medical personnel present.

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7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

f. Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

900.6 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

a. Conducting searches of cross-gender individuals.
b. Conducting searches of transgender and intersex individuals.
c. Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

900.7 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all persons in custody upon entering the secure booking area of the facility. Members (Penal Code § 4030):

a. Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
b. Should ask persons in custody if they are pregnant prior to a body scan and should not knowingly use a body scanner on a pregnant person.

900.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

900.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Sheriff or the authorized designee should establish procedures for the following:

a. Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
    1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

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b. Providing deputies with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent a deputy from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

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Prison Rape Elimination

901.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against individuals in custody in the Imperial County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the individual in custody:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of the staff member's uncovered genitalia, buttocks, or breast in the presence of an individual in custody
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

901.2 POLICY

The Imperial County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The [Department/Office] will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Imperial County Sheriff's Office will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

901.3 PREA COORDINATOR

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee [department/office] efforts to comply with PREA standards in the Imperial County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

a. Developing and maintaining procedures to comply with the PREA Rule.
b. Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
c. Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
d. Developing methods for staff to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).
e. Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and [department/office] leadership to an incident of sexual abuse (28 CFR 115.165).

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f. Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
    1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults /Adolescents" or a similarly comprehensive and authoritative protocol.
    2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
    3. A process to document all referrals to other law enforcement agencies.
    4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
    5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.
g. Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).
    1. The agency shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment, or retaliation.
h. Publishing on the [department/office]'s website:
    1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
    2. A protocol describing the responsibilities of the [Department/Office] and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
i. Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).
    1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
    2. The data shall be aggregated at least annually.
j. Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house individuals in custody overnight (28 CFR 115.193).

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k. Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
l. Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

901.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the [department/office] zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the [Department/Office] and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

901.4.1 MEMBER RESPONSIBILITIES

[Department/Office] members shall accept reports from individuals in custody and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

a. An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
b. Retaliation against individuals in custody or the member who reports any such incident.
c. Any neglect or violation of responsibilities on the part of any [department/office] member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

901.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the [department/office]'s designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and [department/office] policy.

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Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the [Department/Office] shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

901.5 INVESTIGATIONS

The [Department/Office] shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received [department /office]-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

901.5.1 FIRST RESPONDERS

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

a. Separate the parties.
b. Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
d. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

901.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

a. Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
b. Interview alleged victims, suspects, and witnesses.
c. Review any prior complaints and reports of sexual abuse involving the suspect.
d. Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
e. Assess the credibility of the alleged victim, suspect, or witness on an individual basis and not by the person's status as a detainee or a member of the Imperial County Sheriff's Office.

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f. Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
g. Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody in the Temporary Holding Facility (28 CFR 115.178).
h. Cooperate with outside investigators and remain informed about the progress of any outside investigation.

901.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this [department /office] shall not be used as a basis for terminating an investigation (28 CFR 115.171).

901.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

901.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the Registered Voters. The Sheriff or the Registered Voters shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for [department/office] members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor or volunteer.

901.6 RETALIATION PROHIBITED

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All individuals in custody and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse and of those who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic status checks.

901.7 REVIEWS AND AUDITS

901.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
d. Assess the adequacy of staffing levels in that area during different shifts.
e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

901.7.2 DATA REVIEWS

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The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

a. Identification of any potential problem areas.
b. Identification of any corrective actions taken.
c. Recommendations for any additional corrective actions.
d. A comparison of the current year’s data and corrective actions with those from prior years.
e. An assessment of the [Department/Office]’s progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the [department/office] website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Imperial County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the [department/office] website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

901.8 RECORDS

The [Department/Office] shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the [Department/Office], plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

901.9 TRAINING

All [department/office] members and contractors who may have contact with individuals in custody shall receive [department/office]-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Deputy shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The [Department/Office]'s zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.

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- The right of individuals in custody and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all individuals in custody.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Deputy shall maintain documentation that employees, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current [department/office] members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Temporary Custody of Adults

902.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Imperial County Sheriff's Office for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Imperial County Sheriff's Office prior to being released or transported to a housing or other type of facility.

902.2 POLICY

The Imperial County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

902.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

902.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Imperial County Sheriff's Office, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

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1. Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
2. Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.
3. Any individual who is seriously injured.
4. Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
    a. If the deputy taking custody of an individual believes that the individual may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
5. Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
6. Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
7. Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
8. Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
9. Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.
10. Any individual with an obvious developmental disability (15 CCR 1057).
11. Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
12. Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
13. Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

902.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

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Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

902.3.3 STAFFING PLAN

The Sheriff or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the County, as required by 15 CCR 1027.

902.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

a. Authorized members entering for official business purposes.
b. Emergency medical personnel when necessary.
c. Any other person authorized by the Sergeant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

902.4 INITIATING TEMPORARY CUSTODY

The deputy responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The deputy should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

The receiving deputy should ask the arresting deputy if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to the County jail or the appropriate mental health facility.

The deputy should promptly notify the Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Sergeant shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

902.4.1 SCREENING AND PLACEMENT

The deputy responsible for an individual in custody shall (15 CCR 1050):

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1. Advise the Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
2. Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
    1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
    2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
        1. Continuous, direct sight and sound supervision.
        2. Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
    3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
    4. Ensure males and females are separated by sight and sound when in cells.
    5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
3. Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
4. Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

902.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Chief Deputy will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

1. Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
    1. This notification should be documented.
2. Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
    1. If the country is on the mandatory notification list, then:
        a. Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        b. Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
        c. Forward any communication from the individual to the individual's consular officers without delay.
        d. Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

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2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
    1. Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    2. Forward any communication from the individual to the individual's consular officers without delay.

902.5 SAFETY, HEALTH AND OTHER PROVISIONS

902.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Imperial County Sheriff's Office, the custody shall be promptly and properly documented in a custody log, including:

a. Identifying information about the individual, including the individual's name.
b. Date and time of arrival at the Department.
c. Any charges for which the individual is in temporary custody and any case number.
d. Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
e. Any medical and other screening requested and completed.
f. Any emergency situations or unusual incidents.
g. Any other information that may be required by other authorities, such as compliance inspectors.
h. Date and time of release from the Imperial County Sheriff's Office.

The Sergeant should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Sergeant should make periodic checks to ensure all log entries and safety and security checks are made on time.

902.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

1. Safety checks and significant incidents/activities are noted on the log.
2. Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
    1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
    2. This does not apply to surreptitious and legally obtained recorded interrogations.
3. There is reasonable access to toilets and wash basins.
4. There is reasonable access to a drinking fountain or water.
5. There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
6. There is privacy during attorney visits.
7. Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
8. Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
    1. The supervisor should ensure that there is an adequate supply of clean blankets.
9. Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
10. Adequate furnishings are available, including suitable chairs or benches.

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902.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by a deputy.

Those who require medication while in temporary custody should not be at the Imperial County Sheriff's Office. They should be released or transferred to the jail or another facility as appropriate.

902.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

902.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

1. Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.
    a. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
    b. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
2. The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
    2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the

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individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

3. Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
4. Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

902.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual’s head and face may be temporarily removed during the taking of any photographs.

902.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

902.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Sergeant will retain a record of these reports for inspection purposes (15 CCR 1044).

902.5.9 ATTORNEYS AND BAIL BONDSMEN

a. An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
b. Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
c. The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.

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d. Attorneys must produce a current California Bar card as well as other matching appropriate identification.
e. Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

902.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

902.5.11 EMERGENCY ALARMS

Members should have reasonable access to emergency alarms (i.e., duress/panic alarms), either as part of an installed system or as a function on members' portable radios. Members entering a secured area not equipped with an installed emergency alarm system shall carry portable radios when a person in temporary custody is present.

902.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Imperial County Sheriff's Office unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

902.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

902.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Sergeant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Sergeant shall attempt to prove or disprove the claim.

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902.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

1. The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
2. The individual shall constantly be monitored by an audio/video system during the entire custody.
3. The individual shall have constant auditory access to department members.
4. The individual's initial placement into and removal from a locked enclosure shall be logged.
5. Safety checks by department members shall occur no less than every 15 minutes (15 CCR 1027.5).
    1. Safety checks should be at varying times.
    2. All safety checks shall be logged.
    3. The safety check should involve questioning the individual as to the individual's well-being.
    4. Individuals who are sleeping or apparently sleeping should be awakened.
    5. Requests or concerns of the individual should be logged.

902.8.1 USE OF SOBERING CELL

Individuals who are to be held in the temporary holding facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any individual in a sobering cell (15 CCR 1056):

a. Placement of an individual into the cell requires approval of the Sergeant.
b. A cell log shall be initiated every time an individual is placed in the cell. The log shall be maintained for the entire time the individual is housed in the cell.
c. A safety check consisting of direct visual observation sufficient to assess the individual's well-being and behavior shall occur at least once every 30 minutes with no more than a 15-minute lapse between safety checks. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.
d. Under no circumstances shall an individual be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the individual does not have an urgent medical issue.
e. Individuals will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

902.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

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The Operations Chief Deputy will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the Imperial County Sheriff's Office. The procedures should include the following:

a. Immediate request for emergency medical assistance if appropriate
b. Immediate notification of the Sergeant, Sheriff, and Investigations Lieutenant
c. Notification of the spouse, next of kin, or other appropriate person
    1. In-custody death notification shall be made within 24 hours as provided by Penal Code § 4032.5.
d. Notification of the appropriate prosecutor
e. Notification of County Counsel
f. Notification of the Coroner
g. Evidence preservation
h. In-custody death review reports in compliance with 15 CCR 1046
    1. A copy of the initial review report of an in-custody death shall be provided to the BSCC within 60 days of the death.
i. Preparation of a written report to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)
    1. A copy of the report submitted to the Attorney General shall also be submitted to the BSCC within 10 days of the death (15 CCR 1046).
    2. Any change or new information that becomes available after the initial reporting to the Attorney General shall be updated in the report and provided to the Attorney General within 10 days of the date of the change or the date the new information becomes available.

902.9.1 IN-CUSTODY DEATH PUBLICATION

The Sheriff or the authorized designee should ensure that all specified information relating to an in-custody death is posted on the department website as prescribed and within the time frames provided in Penal Code § 10008.

902.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

1. All proper reports, forms, and logs have been completed prior to release.
2. A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
3. It has been confirmed that the correct individual is being released or transported.
4. All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
5. All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
6. The individual is not permitted in any nonpublic areas of the Imperial County Sheriff's Office unless escorted by a member of the Department.

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7. Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
8. Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

902.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

902.11 ASSIGNED ADMINISTRATOR

The Chief Deputy will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

a. General security
b. Key control
c. Sanitation and maintenance
d. Emergency medical treatment (15 CCR 1200)
e. Escapes
f. Evacuation plans
g. Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
h. Disaster plans (e.g., natural disasters)
i. Building and safety code compliance
j. Civil and other disturbances including hostage situations
k. Periodic testing of emergency equipment
l. Emergency suspension of Title 15 regulations and notice to the BSCC as required in 15 CCR 1012
m. Inspections and operations reviews
n. Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety, and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

902.12 TRAINING

Department members should be familiar with this policy and any supplemental procedures.

902.12.1 STATE-REQUIRED TRAINING

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Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

a. Applicable minimum jail standards
b. Jail operations liability
c. Separation of incarcerated persons
d. Emergency procedures and planning, fire safety, and life safety
e. Suicide prevention
f. De-escalation
g. Juvenile procedures
h. Racial bias
i. Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The training Manager shall maintain records of all such training in the member's training file.

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Transporting Persons in Custody

903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Imperial County Sheriff's Office.

See the Handcuffing and Restraints Policy for additional guidance.

903.2 POLICY

It is the policy of the Imperial County Sheriff's Office to provide safe, secure, and humane transportation for all persons in custody.

903.3 OPERATIONS CHIEF DEPUTY RESPONSIBILITIES

The Operations Chief Deputy should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

903.4 DEPUTY RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Deputies transporting a person in custody should:

a. Search all areas of the vehicle accessible to a person in custody before and after each transport.
b. Immediately search persons in custody after arrest, when receiving the person from the custody of another deputy, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.
    1. Whenever practicable, a search should be conducted by a deputy of the same gender as the person being searched. If a deputy of the same gender is not reasonably available, a witnessing deputy should be present during the search if practicable.
c. Provide Dispatch with any required notifications (e.g., start time, mileage, end time).
d. Properly secure all property.
e. Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio/Video and Body-Worn Camera policies for additional guidance).
f. Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
g. Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.

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h. Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:
    1. Individuals in auxiliary restraints.
    2. Individuals in leg restraints.
    3. Individuals wearing a spit hood.
    4. Individuals who are a suspected suicide risk.
i. Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.
j. Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):
    1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

903.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, deputies:

a. Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
    1. Juveniles and adults shall not be transported together.
    2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
    3. Persons of different genders should not be transported together.
b. If segregating individuals is not possible, transporting deputies should be alert to inappropriate physical or verbal contact and take appropriate action.

903.6 TRANSPORT VAN

A deputy trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

A deputy should assist persons getting into and out of the transport van to avoid falls.

903.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting deputy should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting deputy should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the deputy.

Deputies transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

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903.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, deputies should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Deputies shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a Supervisor.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

903.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by deputies. EMS personnel should be called to handle transportation.

903.10 MENTAL ILLNESS COMMITMENT TRANSPORTS

When transporting any individual for a mental illness commitment, the transporting deputy should request that Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of a deputy during the transport.

See the Mental Illness Commitments Policy for additional guidance.

903.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, deputies should not interrupt a transport to provide emergency assistance without supervisory approval. Deputies encountering an emergency should notify Dispatch and request an appropriate response.

903.12 EXTENDED TRANSPORTS

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During transports for extended durations, transporting deputies may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

903.13 PROHIBITIONS

When transporting a person in custody, deputies should not:

a. Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).
b. Handcuff a person to any part of a vehicle.
c. Leave the vehicle unattended with the person in custody in the vehicle.
d. Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.
e. Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.
f. Stop to conduct any personal activities.
g. Engage in a pursuit.

903.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting deputy shall immediately advise Dispatch and other units of the escape, provide a description of the escapee, notify the Supervisor, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Supervisor should notify the Duty Officer and the Sheriff upon learning of an escape.

If the escape occurs outside the jurisdiction of the Imperial County Sheriff's Office, the Sergeant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

903.15 DOCUMENTATION

If a person is injured during transportation, deputies should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

903.16 NOTIFICATIONS

Deputies should notify a supervisor and any receiving facility of information regarding any circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

903.17 TRAINING

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The Training Manager should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Imperial County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

1000.3 POLICY

In accordance with applicable federal, state, and local law, the Imperial County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Imperial County Sheriff's Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Imperial County Sheriff's Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.4 RECRUITMENT

The Division Chief Deputy shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

a. Establishment of a written recruitment plan.
    1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
b. Identification of racially and culturally diverse target markets.
c. Use of marketing strategies to target diverse applicant pools.
d. Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

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e. Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
f. Employee referral and recruitment incentive programs.
g. Consideration of shared or collaborative regional testing processes.

The Division Chief Deputy shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.5 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

a. A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
    1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
    2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
b. Driving record
c. Personal and professional reference checks
d. Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
e. Information obtained from public internet sites
    1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
f. Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
g. Local, state, and federal criminal history record checks (Government Code § 1030; Penal Code § 11105.002; Penal Code § 11105.05)
h. Lie detector test (when legally permissible) (Labor Code § 432.2)
i. Medical and psychological examination (may only be given after a conditional offer of employment)
    1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).

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2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).

j. Review board or selection committee assessment

k. Relevant national and state decertification records, if available, including the National Decertification Index

1000.5.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.6 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Imperial County Sheriff's Office (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.6.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.6.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.6.3 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Support Services Chief Deputy should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The Support Services Chief Deputy should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

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a. The legal rights of candidates are protected.
b. Material and information to be considered are verified, accurate, and validated.
c. The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Support Services Chief Deputy should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.6.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administrative and Support Services Division Chief for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

1000.6.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

a. Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.
b. Reports and documentation for candidates not hired by the Department for a minimum of four years.

1000.6.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Sheriff, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Imperial County Sheriff's Office, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

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1000.6.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.6.8 CONFIDENTIAL POST RECORDS

Records released to the Department from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

1000.7 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.8 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Imperial County Human Resources Department should maintain and periodically review validated standards for all positions.

1000.8.1 STANDARDS FOR DEPUTIES

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Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

1. Free of any felony convictions
2. Be legally authorized to work in the United States under federal law
3. At least 21 years of age except as provided by Government Code § 1031.4
4. Fingerprinted for local, state, and national fingerprint check (Government Code § 1030; Penal Code § 11105.002; Penal Code § 11105.05)
5. Good moral character as determined by a thorough background investigation (11 CCR 1953)
6. High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
7. Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
8. Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
9. Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
    1. Reading and writing ability assessment (11 CCR 1951)
    2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
10. POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
11. Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.8.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

a. A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
b. An oral communication assessment (11 CCR 1958)
c. A medical evaluation (11 CCR 1960)

1000.9 PROBATIONARY PERIODS

The Administrative and Support Services Division Chief should coordinate with the Imperial County Department of Human Resources to identify positions subject to probationary periods and procedures for:

a. Appraising performance during probation.
b. Assessing the level of performance required to complete probation.

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c. Extending probation.
d. Documenting successful or unsuccessful completion of probation.

1000.10 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Imperial County Human Resources Department maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Imperial County or State of California hiring standards. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which are used as a professional standard in background investigations.

The following standards have been adopted for public safety applicants:

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Mentoring Program

1001.1 POLICY

PURPOSE AND SCOPE

The goal of the mentoring process is to create an assimilation system which balances the needs and concerns of sheriff's office employees (sworn & non-sworn) with the goals and objectives of the Imperial County Sheriff's Office. At the same time, this program will help make a successful transition into the employee work environment. The mentoring process will support a new hire or recently promoted employee to successfully complete his or her probationary period and at the same time encourage personal and professional growth. Participation in the Mentoring Program will be required for each protégé during probationary employment periods and optional thereafter.

GUIDELINES

The following guidelines are provided for the qualities, selection and retention of Sheriff's Office Mentor's.

QUALIFICATIONS

a. Minimum of two years experience in the job classification to be mentored (i.e.: Deputy, Correctional Officer, Correctional Corporal, Senior Deputy, Sergeant, and non-sworn or administrative positions).

b. No sustained internal affairs investigations or disciplinary action within the past year.

c. Must submit a written request with resume to the Sheriff expressing interest in becoming a mentor.

DESIRED QUALITIES

a. Candidates should have and maintain an exemplary record with the Sheriff's Office

b. Candidates should be thoroughly committed to the goals, objectives, and philosophies of this program

c. Candidates should be self-motivated, sensitive to public concerns, interested in people and looking for self-improvement

d. Candidates should maintain above average performance in all related training activities

e. Candidates should function in a skillful, productive and professional manner while setting an example to others

f. Candidates should be committed and dedicated to this mentoring program

SELECTION

a. The Mentor Program Advisory Committee will discuss the merits of prospective mentors and then make a recommendation to the Sheriff in writing along with supporting documentation.

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b. The Sheriff will receive and review all Advisory Committee recommendations.

c. The sheriff reserves the right to approve or reject the Advisory Committee's recommendation with or without cause.

REMOVAL FROM MENTOR PROGRAM

a. Violation of or failure to comply with any of the terms or conditions of the mentoring program specified above.

b. Violation of or failure to comply with Imperial County Sheriff's Office, Policies and Procedures

c. Written request from the mentor to discontinue their participation in the mentor program

d. The advisory committee shall note and submit removal recommendations to the Sheriff in writing along with supporting documentation.

e. The Sheriff will receive and review the Advisory Committee's recommendation,

f. The sheriff reserves the right to approve or reject the Advisory Committee's recommendation with or without cause.

g.

LENGTH OF PROGRAM

The Protégé's will be assigned a mentor for the duration of their probationary period.

The Mentor may participate in the program until submitting a written request electing to be removed.

PERFORMANCE REVIEW

The mentor's will be evaluated based on the written documentation submitted to the Mentor Program Coordinator. Protégé (s), F.T.O.(s), and supervisor (s) will all participate in the evaluation process. The Mentor Program will also be monitored through evaluations completed by Protégé's, Mentor's, F.T.O.'s, and supervisors which are affected by the program. These evaluations will be distributed, returned, and filed by the Mentor Program Coordinator.

MENTOR PROGRAM ADVISORY COMMITTEE

The Mentor Program Advisory Committee consists of the Mentor Program Coordinator, Sheriff's Office supervisors, and command staff.

MENTOR PROGRAM ADVISORY COMMITTEE COODINATOR POSITION

Will be appointed and/or removed by the Sheriff with or without cause.

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Imperial County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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1002.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under the Reserve Deputies Policy.

1002.4 FULL TIME PROBATIONARY PERSONNEL

Non Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time Non Sworn personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary deputies are evaluated daily, weekly and monthly during the probationary period.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee’s date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee’s date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1002.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

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Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the County and Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

a. That the employee understands the harassment and discrimination policies.
b. Whether any questions the employee has have been sufficiently addressed.
c. That the employee knows how and where to report harassment policy violations.
d. Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1002.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor

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. The Manager shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Manager shall evaluate the supervisor on the quality of ratings given.

1002.7.1 PERFORMANCE APPRAISAL INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. If the employee has valid and reasonable protests of any of the ratings, they should be changed accordingly.

The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the EMPLOYEE COMMENTS section of the performance evaluation report.

1002.7.2 PERFORMANCE APPRAISAL REVIEW

After the supervisor finishes the discussion with the employee, the signed Performance Appraisal Form is forwarded to the Supervisor's Lieutenant. The Lieutenant shall review the Performance Appraisal for fairness, impartiality, uniformity, and consistency. The Lieutenant will then forward the Performance Appraisal to the Chief Deputy for review and distribution.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to County Human Resources.

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Transfer Process

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for transfer within the ranks of the Imperial County Sheriff's Office. In order for this to be a fair, comprehensive and consistent transfer policy for our department, the following

guidelines will be adhered to.

1003.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

(a) Presents a professional, neat appearance¾

(b) The member maintains a physical condition, which aids in their performance¾

(c) Demonstrates:

1. Emotional stability and maturity

2. Sound judgment and decision-making

3. Personal integrity

4. Honesty

5. Leadership

6. Initiative

7. Ability to confront and/or deal with issues both positive and/or negative

8. Ability to conform to organizational goals and objectives

1003.2 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

(a) Off probation

(b) Has shown an expressed interest in the position applied for

(c) Education, training and demonstrated abilities in related areas¾ such as, enforcement

activities, investigative techniques, report writing, public relations, etc.

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(d) Complete any training required by POST or law

1003.2.1 SELECTION PROCESS

The following criteria apply to transfers.

(a) Administrative evaluation as determined by the Sheriff. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.

(b) The memorandums for consideration and recommendations will be submitted to the Undersheriff.

(c) Based on supervisor recommendations and input from staff, the Undersheriff will submit the recommendation(s) to the Sheriff.

(d) Appointment by the Sheriff The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

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Special Assignments and Promotions

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Imperial County Sheriff's Office.

1004.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Imperial County Human Resources.

1004.2.1 PROMOTIONAL PROBATIONARY REQUIREMENTS

All Corporals, Sergeants, and Non-Sworn Supervisors once promoted shall complete, during their probationary period, the New Supervisor Orientation assignment. Failure to complete the New Supervisor Orientation assignment during the probationary period will result in the employee being demoted.

a. All supervisors in Operation Division will obtain the New Supervisor Orientations from the Operation Chief Deputy.

b. All supervisors in Correction Division will obtain the New Supervisor Orientations assignment from the Correction Administrative Lieutenant.

c. All supervisors in the Administration Division will obtain the New Supervisor Orientations assignment from the Administration Chief Deputy.

1004.2.2 PROMOTIONAL PROCESS ADMINISTRATION

The or the authorized designee is responsible for administering the promotional process.

1004.2.3 PROMOTIONAL PROCESS ANNOUNCEMENT

The Department will publish written promotional announcements that include the following:

a. Promotional opportunity classification and description
b. Requirements for participation
c. Description of the evaluation and selection process
d. Schedule and location of testing

1004.2.4 PROMOTIONAL PROBATIONARY PERIOD

All newly promoted members shall serve a performance-based probationary period of at least six months.

1004.2.5 PROMOTIONAL TRAINING

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All newly promoted supervisors shall receive job-related training prior to or within their first year of assuming new responsibilities.

1004.3 POLICY

The Imperial County Sheriff's Office determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Sheriff.

1004.4 SELECTION PROCESS

The selection process shall consist of the following:

a. Written examination if available with a maximum 100 points.

b. Oral interview with a maximum 100 points.

c. The Sheriff reserves the right to develop and implement an assessment tool(s) for Management positions.

d. Ranking based on total combined points of the written examination and the oral interview.

    1. To be ranked the applicant must score a minimum of 140 points

    2. If no written test is available then the points will be based on the oral interviews.

e. Selection by the Sheriff based on the "rule of three",

    1. Definition of the "rule of three";

        a. The names of the three applicants, with the highest scores in excess of 139 points, shall be submitted to the Sheriff for selection.

        b. If a written test was not administered then the names of the three applicants with the highest orals scores will be submitted to the Sheriff for selection.

f. If all applicants fail to obtain the minimum required number of points the testing procedure shall be repeated after a thirty-day notice has been given to all employees

1004.5 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

a. Peer Support member

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b. Investigator
c. Canine handler
d. Field Training Officer
e. Community Relations/Training Officer
f. School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) deputy
g. Court deputy
h. OHVEST/BEST deputy
i. Coroner Investigator

1004.5.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

a. Three years of relevant experience
b. Off probation
c. Possession of or ability to obtain any certification required by POST or law
d. Exceptional skills, experience, or abilities related to the special assignment

1004.5.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

a. Presents a professional, neat appearance.
b. Maintains a physical condition that aids in his/her performance.
c. Expressed an interest in the assignment.
d. Demonstrates the following traits:
    1. Emotional stability and maturity
    2. Stress tolerance
    3. Sound judgment and decision-making
    4. Personal integrity and ethical conduct
    5. Leadership skills
    6. Initiative
    7. Adaptability and flexibility
    8. Ability to conform to department goals and objectives in a positive manner

1004.5.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Sheriff to include:

a. Memorandums of interest submitted by staff will be reviewed and discussed by Command Staff.
    1. Command Staff will provide recommendations to the Sheriff.
b. Assignment by the Sheriff.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Sheriff.

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1004.5.4 SPECIAL ASSIGNMENT OPENINGS

Special assignment openings within the Department shall be advertised by written departmento-wide announcement. All qualified members will be allowed to apply and compete for positions. Members selected shall meet all applicable POST minimum standards and required training for the assignment.

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Active/Retired Peace Officer Nationwide Identification Card

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to inform both active duty and retired Imperial County Sheriff's Office, sworn personnel, of the current Department procedures and to certify them under the Law Enforcement Officer's Safety Act of 2004. This law requires annual weapon proficiency certification for both active duty and retired sworn personnel. Listed as follows are other requirements to be in compliance with the Law Enforcement Officer's Safety Act of 2004.

On July 22, 2004, President George W. Bush signed the Law Enforcement Officer's Safety Act of 2004, which allows qualified law enforcement officers to carry concealed handguns nationwide, on or off duty. However, the law does not extend a deputy's authority to enforce the law in states where he/she is not already authorized to do so.

1005.2 ACTIVE DUTY REQUIREMENTS

a. You must have statutory arrest powers and be authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of - or the incarceration of any person for-any violation of law.

b. Your employing agency must have authorized you to carry a firearm

c. You must not be subject to any disciplinary action

d. You must meet departmental standards of firearms qualifications

e. You must not be under the influence of drugs or alcohol

f. You must not be prohibited by federal law from receiving a firearm

g. You must carry a photo identification card issued by your department that certifies your current compliance with qualification standards

1005.3 RETIREE OR INACTIVE DUTY QUALIFICATIONS

a. You must be retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability

b. Before your retirement, you must have had statutory arrest powers, with authority to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of, any person for, any violation of law.

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c. You must have had a total law enforcement employment of at least (15) years, or must have retired with a service-connected disability after any probationary period of employment

d. You must have a non-forfeitable right to retirement benefits

e. You must maintain annual firearms qualification, at your own expense, to the same standards required of active-duty officers

f. You must not be under the influence of drugs or alcohol

g. You must not be prohibited by federal law from receiving a firearm

h. You must carry a photo identification card issued by your department that certifies your current compliance with qualification standards.

1005.4 ANNUAL QUALIFICATION

a. The Department firearms proficiency test for both active duty and retirees assesses general firearms safety and handling in the treatment and firing of a weapon. The proficiency test will model the requirements, which are currently being used for all active duty personnel. It is available to any retired ICSO deputy who retired in good standing and all active duty sworn personnel.

b. The test can be administered weekly, by making an appointment with the Rangemaster. Call (760) 339-6357, to schedule an appointment.

c. Both, active duty and retired personnel, who successfully complete the firearms proficiency test, will be issued a qualification's card, valid for one year from the date of certification. This card must be carried along with the primary Department Identification Card and a secondary Department Law Enforcement Officer's Safety Act Card issued to both active duty or retired personnel. The card will be designated between two personnel classifications for either active duty or retired personnel and will note the appropriate qualifications listed above. Therefore, there will be a total of three Department cards that ICSO sworn personnel (active duty & retirees) will be required to possess, which are the following:

    1. Primary Departmental Identification Card

    2. Departmental Law Enforcement Officer's Safety Act Card-active duty personnel or Departmental Law Enforcement Officer's Safety Act Card-retired personnel

    3. Departmental Qualification Card

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1005.5 ADDITIONAL INFORMATION

a. The Firearms Proficiency Test Annual Certification is provided at no cost to either ICSO active duty sworn personnel and retirees. However, ammunition for weapons must be provided by personnel and pre-approved by the ICSO Rangemaster. Ammunition for assigned duty weapons will be provided at no cost to ICSO active duty sworn personnel.

b. The firearm(s) used to qualify must be pre-approved by the Department and also be the weapon that is carried. Firearms that are not approved or are not qualified with will not be covered or protected under the Department or the Law Enforcement Officer's Safety Act.

c. All firearms that have been approved will be listed on the department's qualifications card.

d. ICSO retirees, who qualify annually under the Federal law, will no longer have to have their retired identification card with endorsement for carrying a concealed weapon renewed by the department.

e. Active duty sworn personnel, who do not wish to carry a concealed firearm outside of California, do not have to qualify under the Federal Law Enforcement Officer's Safety Act.

f. Imperial County Sheriff's Office retirees who do not wish to carry a concealed firearm outside of California do not have to qualify under the federal Law Enforcement Officer's Safety Act. And may carry a concealed weapon as allowed by California law if their retired identification card is so endorsed.

g. Retired Deputies of the Sheriff's Office who attempt to obtain a National Law Enforcement Officer's Safety Act permit to carry a concealed weapon and fail to show proficiency with the weapon they are intending to carry, will not be issued Federal Law Enforcement Officer's Safety Act identification card and will have their authorization to carry a concealed weapon within the State of California revoked.

h. This revocation of the right to carry a concealed weapon within the State of California will be reconsidered by the Sheriff upon the retired Deputy showing proficiency with the carrying of a concealed weapon.

i. Once a Law Enforcement Officer's Safety Act Identification Card has been issued it will be entered into the Spilman Computer System in order to maintain control and keep a record of Law Enforcement Officer's Safety Act recipients.

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Grievance Procedure

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Imperial County Sheriff's Office grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

1006.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- County rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1006.2 PROCEDURE

The Sheriff or the authorized designee shall be responsible for coordinating the grievance process.

Except as otherwise required under a collective bargaining agreement, if an employee believes that they have a grievance as defined above, then that employee shall observe the following procedure:

a. Attempt to resolve the issue through informal discussion with their immediate supervisor.
b. If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Lieutenant of the affected unit.
c. If a successful resolution is not found with the Lieutenant, the employee may request a meeting with the Sheriff.
d. If the employee and the Sheriff are unable to arrive at a mutual solution, then the employee shall proceed as follows:
    1. Submit in writing a written statement of the grievance and deliver one copy to the Sheriff and another copy to the immediate supervisor and include the following information:
        1. The basis for the grievance (i.e., what are the facts of the case?)
        2. Allegation of the specific wrongful act and the harm done

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3. The specific policies, rules, or regulations that were violated
4. What remedy or goal is being sought by this grievance

e. The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

f. The Sheriff will receive the grievance in writing. The Sheriff and the County CEO will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the County CEO is considered final.

1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the CEO’s office to monitor the grievance process.

1006.5 GRIEVANCE AUDITS

The Chief Deputy shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Chief Deputy shall record these findings in a confidential and generic memorandum to the Sheriff without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Chief Deputy should promptly notify the Sheriff.

1006.6 POLICY

It is the policy of the Imperial County Sheriff's Office to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

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Personal Associations

1007.1 PURPOSE AND SCOPE

Except as permitted by written authority of the Sheriff or his designee, all Sworn and Non-Sworn Employees of the Imperial County Sheriffs Office shall not associate with, engage the services of, accept services from, or do favors for any person in the custody of the Imperial County Sheriffs Office or other law enforcement agency while they are in-custody or when released, during the normal course of business.

a. Employees shall not knowingly associate socially with the spouse, immediate family member, or romantic companion of any person in the custody of the Department.

b. Employees shall not maintain or enter into a personal association with person(s) who they know or should reasonable suspect are under criminal investigation or indictment and/or who have an open and well-known reputation for criminal activity in the community, and/or are racketeers, sexual offenders, felons, or suspected felons.

1007.2 DEFINITIONS

Inmate - Any person currently in the custody of the Sheriff or Department of Corrections, whether physically in custody or released on a temporary basis.

Employee - Any person appointed or assigned to the Sheriffs Office.

Association - Regular or continuous off-duty associations or dealings with persons.

a. Associations: Employees shall avoid associations or dealings with persons who they know or should reasonably suspect are racketeers, sexual offenders, felons, suspected felons, persons under criminal investigation or indictment, or who have a reputation in the community for present felonious involvement or criminal behavior, except as necessary in the performance of official duties.

b. An employee who has a relative, in-law or significant other in custody may not be allowed to work in the same facility, and shall be prohibited from using their position to access the relative's or friend's records. The Sheriff or his designee shall determine whether the inmate is to be transferred to another Facility, taking under consideration housing the inmate in an area where the Member will have no responsibility for supervision and little or no opportunity to have contact with the inmate.

c. Any employee who becomes aware that a relative, inIaw, or significant other has been brought into custody shall immediately notify their Supervisor. The Supervisor shall report the issue to their Lieutenant to determine whether or not it is necessary to immediately reassign the Staff Member to a different position. Any Staff Member who is aware of an association between a Member of this Department and a known felon, parolee, or inmate shall report the association to his/her Supervisor immediately.

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1007.3 REPORTING A POSSIBLE ASSOCIATION

a. The Employee shall document the relationship, which may be considered an association, in a memo and forward the memo to his Supervisor via the chain of command.

b. After receiving the report of an employee's involvement with a known felon, parolee, or inmate, the Chief Deputy/Captain/Lieutenant shall determine whether the employee's rights of association and privacy are outweighed by the harm in the association:

    1. To impair the dignity or reputation of the Department;

    2. To erode the public's confidence in the Department;

    3. To create the appearance of impropriety; or affect the employee's job performance.

    4. To protect institutional security.

c. The Chief Deputy/Captain/Lieutenant shall return their decision, in writing, to the employee involved in the relationship, and shall provide a copy to the Undersheriff.

d. Violation of this policy may be grounds for disciplined up to and including termination

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Reporting of Arrests, Convictions, and Court Orders

1008.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Imperial County Sheriff's Office. This policy will also describe the notification requirements and procedures that certain retired deputies must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1008.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired deputies with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1008.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1008.4 REPORTING

All members and all retired deputies with an identification card issued by the Department shall immediately notify their supervisors (retired deputies should immediately notify the Watch Commander or the Sheriff) in writing of any

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past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether or not the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Department shall further promptly notify their supervisors (retired deputies should immediately notify the Watch Commander or the Sheriff) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired deputy from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired deputies may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1008.4.1 NOTIFICATION REQUIREMENTS

The Administrative Chief Deputy shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

1008.5 POLICY

The Imperial County Sheriff's Office requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

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Drug- and Alcohol-Free Workplace

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1009.2 POLICY

It is the policy of this [department/office] to provide a drug- and alcohol-free workplace for all members.

1009.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on County property, at work, or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on County property or at any other time.

1009.2.2 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a department-owned or department-leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1009.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on [department/office] time can endanger the health and safety of [department/office] members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1009.3.1 USE OF MEDICATIONS

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Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the [Department/Office] while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1009.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1009.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on [department/office] premises or on [department/office] time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1009.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1009.5.1 ADDITIONAL SCREENING TESTS FOR DEPUTIES

The Department may request an employee to submit to a screening test if the employee:

a. Is a law enforcement officer and, during the performance of his/her duties, discharges a firearm other than by accident.

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b. During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

1009.5.2 SCREENING TEST REFUSAL

An employee is subject to disciplinary action if he/she:

a. Fails or refuses to submit to a screening test as requested.

b. After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1009.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the [Department/Office].

1009.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

a. The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
b. The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
c. The employee discharges a firearm issued by the [Department/Office] while off-duty, resulting in injury, death, or substantial property damage.
d. The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1009.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

a. The test will be given to detect either alcohol or drugs, or both.
b. The result of the test is not admissible in any criminal proceeding against the employee.

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c. The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1009.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

a. Fails or refuses to submit to a screening test as requested.
b. After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1009.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the [Department/Office] will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1009.9 CONFIDENTIALITY

The [Department/Office] recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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Annual Vacation Leave Policy

1010.1 PURPOSE AND SCOPE

It is the position of the Imperial County Sheriff's Office that the usage of annual vacation time is critical for the well being of the Sheriff's Office Employees. This is a time to relax from the demands of the job and/or engage in activities of personal interest. Therefore, the following annual vacation leave policy shall apply to all full time Sheriff Department employees.

1010.2 ANNUAL VACATION BID PERIOD; REQUEST FOR ANNUAL VACATION LEAVE

a. Application for annual vacation leave shall be submitted in writing to the employee's immediate supervisor during the Annual Vacation Bid Period (AVBP). The AVBP shall be each year from September 1 through November 15.

b. The application shall include the employee's choice for annual vacation leave, including up to four (4) choices ranked in order of preference. The Department shall schedule annual vacation leave as set forth below in section 3 If an employee requests a split vacation the additional split (s) will be based on seniority and availability after the first round has been finalized.

c. The supervisor for each assignment shall post a "draft" master vacation schedule by December 1 and a "final" master vacation schedule by December 15. Vacation scheduling conflicts shall be resolved as set forth in section 4.

d. The posting of the "draft" master vacation schedule is intended to afford an employee who was not successful in any one of his/her four choices to resubmit an application for annual vacation. The resubmit period shall be from December 2 to December 10 and shall be scheduled in the same manner as described in section 3.

e. Upon posting of the "final" master vacation schedule, vacation dates will not be changed except in extraordinary circumstances. Unanticipated need for overtime backfill will not be considered extraordinary circumstances.

1010.3 SCHEDULING OF ANNUAL VACATION LEAVE BEYOND AVBP

a. Employees may request an additional annual vacation leave beyond the AVBP. This includes, but is not limited to those employees who have reached or about to reach the maximum hours of vacation that may be accrued pursuant to County Ordinance. However, such requests shall be approved on a seniority basis at the sole discretion of the Sheriff's Office based on the needs of the department.

b. It is the employee's responsibility to monitor his/her accrued vacation time.

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1010.4 SCHEDULING OF ANNUAL VACATION LEAVE

Annual vacation leave schedules shall be determined by Seniority. For purposes of determining annual vacation leave "Seniority" shall be defined as follows:

a. Seniority for vacation shall be based upon rank or job classification within each assignment or division. Personnel assigned to a unit or division shall only compete against other personnel of the same classification within that unit or division for vacation seniority.

b. For the rank of Corporal in the Corrections Division and Sergeant in the Operations Division and above, Seniority shall be determined by "length of time in rank," i.e. Corporal, Sergeant, etc.

1010.5 RESOLUTION OF ANNUAL VACATION LEAVE CONFLICTS

a. Except for § 1047.4, all cases in which two or more employees, of equal seniority, request the same dates for annual vacation leave, and this conflict cannot be resolved in any other manner, then total employment time with the Sheriff's Office will be the determining factor. In the event a conflict continues to exist, then vacation priority will be determined alphabetically by the employee's last name, including A to Z during even numbered years and Z to A during odd numbered years.

b. For employees who are voluntarily promoted and/or request a transfer and as a direct result of same an annual vacation leave conflict arises in their new assignment, such conflicts shall be determined by "length of time in the assignment" This section shall apply only to the calendar year in which the promotion and/or transfer occurred. Employees will receive their scheduled vacation if they are transferred as a result of a departmental need.

1010.6 EXCEPTIONS TO AVBP

The Sheriff's Office reserves the right to make exceptions to this Policy for extenuating circumstances including but not limited to emergencies such natural disasters, war, national security alerts.

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Sick Leave

1011.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Government Code § 12945.8; Labor Code § 1510).

1011.2 POLICY

It is the policy of the Imperial County Sheriff's Office to provide eligible employees with a sick leave benefit.

1011.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1011.3.1 NOTIFICATION

All members should notify the Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1011.4 EXTENDED ABSENCE

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Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider’s statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1011.5 REQUIRED NOTICES

The Fiscal Manager shall ensure:

a. Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
b. A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1011.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

1. Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
2. Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources as appropriate.
3. Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
    a. Negatively affected the member's performance or ability to complete assigned duties.
    b. Negatively affected department operations.
4. When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
5. Referring eligible members to an available employee assistance program when appropriate.

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Communicable Diseases

1012.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1012.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Imperial County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1012.2 POLICY

The Imperial County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1012.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

a. Identification of job roles and tasks with exposure risk.
b. Exposure-prevention and decontamination procedures.
    1. Availability and use of handwashing and hygiene facilities.
    2. Cleaning and disinfecting contaminated surfaces and equipment.
    3. Handling and labeling contaminated laundry.
c. Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
d. The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
e. Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
f. Compliance with all relevant laws or regulations related to communicable diseases, including:

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1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
2. Bloodborne pathogen mandates including (8 CCR 5193):
    1. Sharps injury log.
    2. Needleless systems and sharps injury protection.
3. Airborne transmissible disease mandates including (8 CCR 5199):
    1. Engineering and work practice controls related to airborne transmissible diseases.
    2. Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

g. Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193). The plan should be accessible to all members in digital or printed form.

1012.4 EXPOSURE PREVENTION AND MITIGATION

1012.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

1. Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
2. Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
3. Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
4. Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
5. Using an appropriate barrier device when providing CPR.
6. Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

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7. Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
    1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
8. Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
9. Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
10. Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1012.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1012.5 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person’s blood or body fluids:

1012.6 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

1012.7 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES

All department personnel who are exposed to another person’s blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

a. An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.

b. The exposure occurred without the benefit of applicable exposure controls required by this policy.

c. It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

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1012.8 POST EXPOSURE

1012.8.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

a. Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
b. Obtain medical attention as appropriate.
c. Notify a supervisor as soon as practicable.

1012.8.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

a. Name and Social Security number of the member exposed
b. Date and time of the incident
c. Location of the incident
d. Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
e. Work being done during exposure
f. How the incident occurred or was caused
g. PPE in use at the time of the incident
h. Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1012.8.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

a. Whether the member has been informed of the results of the evaluation.
b. Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

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1012.8.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1012.8.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

a. Obtaining consent from the individual.
b. Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
c. Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
d. Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
e. Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1012.9 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the ECO to ensure that the proper testing and reporting occur. These methods are:

a. Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.
b. Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).
c. Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).

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d. Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.
e. Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the Imperial County Sheriff's Office qualifies as a crime victim (Penal Code § 1524.1).

1012.10 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1012.11 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

a. Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
b. Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
c. Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1013.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Imperial County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1013.2 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Imperial County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

1013.3 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1013.3.1 NOTICE

The Sheriff or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

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Personnel Complaints

1014.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Imperial County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1014.2 POLICY

The Imperial County Sheriff's Office takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1014.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1014.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Lieutenant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints should be referred to the Administrative Investigations Unit.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Administrative Investigations Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1014.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

a. Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
b. Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
c. Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
d. Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
e. Tort claims and lawsuits may generate a personnel complaint.

1014.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1014.4.1 COMPLAINT FORMS

Personnel complaint forms will be available at the front counter of the Sheriff's Office and be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1014.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

1014.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1014.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

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Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that a deputy has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1014.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Sheriff or the authorized designee.

1014.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1014.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

1. Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    a. The original complaint form will be directed to the Undersheriff via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
    b. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Undersheriff or the Sheriff, who will initiate appropriate action.
2. Responding to all complainants in a courteous and professional manner.
3. Resolving those personnel complaints that can be resolved immediately.
    a. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
    b. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Lieutenant.
4. Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Undersheriff and the Sheriff are notified via the chain of command as soon as practicable.

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5. Promptly contacting the personnel and the Undersheriff for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
6. Forwarding unresolved personnel complaints to the Undersheriff, who will determine whether to contact the complainant or assign the complaint for investigation.
7. Informing the complainant of the investigator's name and the complaint number within three days after assignment.
8. Investigating a complaint as follows:
    1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
    2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
9. Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
10. Ensuring interviews of the complainant are generally conducted during reasonable hours.

1014.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Administrative Investigations Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

1. Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, they shall be compensated.
2. Unless waived by the member, interviews of an accused member shall be at the Imperial County Sheriff's Office or other reasonable and appropriate place.
3. No more than two interviewers should ask questions of an accused member.
4. Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank, and command of the deputy in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
5. All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
6. No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
7. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
    1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
    2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
8. The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

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9. All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
10. All members shall provide complete and truthful responses to questions posed during interviews.
11. No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

1014.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1014.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and /or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a deputy were found to violate law or department policy (Penal Code § 832.8).

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If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1014.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1014.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1014.6.7 LIMITATIONS ON INVESTIGATIONS

Investigations shall not be undertaken against any deputy in the following limited circumstances:

a. The deputy has been placed on a prosecutor's *Brady* list, or the name of the deputy may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).
    1. An investigation may be initiated based on the underlying acts or omissions for which the deputy has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland*.
b. A court finding against deputy in a challenge brought under Penal Code § 745 (California Racial Justice Act of 2020) (Government Code § 3305.6).
    1. An investigation may be Initiated based on the underlying acts or omissions which formed the basis of the action brought pursuant to Penal Code § 745 (Government Code § 3305.6).

1014.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member’s consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1014.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

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a. Pursuant to a state law or proper legal process
b. Information exists that tends to indicate a conflict of interest with official duties
c. If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1014.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

a. May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
b. Shall be required to continue to comply with all policies and lawful orders of a supervisor.
c. May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1014.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303 (h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Imperial County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1014.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Undersheriff through the Administrative Investigations Unit.. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

1014.10.1 UNDERSHERIFF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Undersheriff shall review the entire investigative file, the member's personnel file and any other relevant materials.

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The Undersheriff may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Undersheriff may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Undersheriff shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1014.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Undersheriff for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Sheriff shall also provide the member with:

1. Access to all of the materials considered by the Sheriff in recommending the proposed discipline.
2. An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
    a. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
    b. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1014.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1014.10.4 NOTICE REQUIREMENTS

The disposition of any civilian’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

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1014.10.5 DISCIPLINE

Disciplinary actions should be administered progressively, as appropriate. Disciplinary action may include the following:

- Verbal warning
- Written warning
- Suspension
- Demotion or reassignment
- Termination

1014.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

a. The response is not intended to be an adversarial or formal hearing.
b. Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
c. The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
d. In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
e. The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

1014.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1014.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding, and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that a deputy has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently

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established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

Additionally, any evidence of a court finding that a deputy violated Penal Code § 745 (California Racial Justice Act of 2020) shall not be introduced for any purpose in any administration appeal of a punitive action (Government Code § 3305.6).

1014.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary deputy subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Sheriff or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Sheriff shall be final.

1014.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1014.16 REQUIRED REPORTING TO POST

The Sheriff or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain deputy personnel events, including but not limited to (Penal Code § 13510.9):

a. Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
    1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9.
b. Events that could affect a deputy's POST certification, such as:
    1. Complaints, charges, or allegations of misconduct
    2. Findings of civilian review boards
    3. Final dispositions of any investigations
    4. Civil judgments or court findings based on conduct, or settlement of a civil claim against a deputy or the Imperial County Sheriff's Office based on allegations of conduct by a deputy

The Sheriff or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

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1014.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Sheriff or the authorized designee shall report allegations of serious misconduct by a deputy to POST and the report shall include the following (11 CCR 1207):

a. Name of the Department
b. Administrative case number
c. Name, current address, and phone number of the complainant, if available
d. Name, POST ID, current address, and phone number of the involved deputy
e. A summary of the alleged misconduct including:
    1. A narrative of the allegations
    2. Date and time of incidents
    3. Location of occurrence
    4. Any witness information, if available
    5. Summary of arrest or indictment of involved deputy
f. A change in employment status of the involved deputy (e.g., administrative leave, suspension, termination)
g. Name and contact information of the assigned investigator

The Sheriff or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Sheriff or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the odeputy's service record as provided by 11 CCR 1207.

1014.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

a. If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
    1. The Department shall provide the name of the body conducting the proceeding.
    2. The status of the proceeding, if known.
b. If criminal charges are pending:
    1. The name of the court having jurisdiction over the criminal charges against the deputy.
    2. The status of the criminal case, if known.

1014.17 ANNUAL SUMMARY OF COMPLAINTS

The Administrative Investigations Unit Sergeant shall prepare an annual statistical summary report on personnel complaints that shall be forwarded to the Sheriff. The report should not contain any identifying information about any specific complaint, individual, or deputy and shall be made available to the public upon request.

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Seat Belts

1015.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1015.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1015.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1015.3 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1015.4 POLICY

It is the policy of the Imperial County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1015.5 TRANSPORTING CHILDREN

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Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1015.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1015.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1016.2 POLICY

It is the policy of the Imperial County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1016.2.1 EXTERIOR SOFT BODY ARMOR CARRIER

It is optional to wear an exterior soft body armor carrier on the outside of a Class B uniform. The exterior carrier must be made from an Imperial CountySheriff's Office Shirt specifically described in this policy manual under section 1046.3.5(a). Patrol deputies and correctional officers working transportation are also authorized to wear a Body Armor Carrier is made by Amerian Body Armor, a Safariland Company. It is constructed of rugged 1000 denier-Cordura nylon exterior. The model is SCA Uniform Shirt Carrier Tan. These carriers will only fit Second Chance Vest. The carriers must be purchased by the employee. Both exterior soft body armor carriers must match the uniform shirt color that is being worn underneath the carrier.

1016.3 ISSUANCE OF BODY ARMOR

The Administrative and Support Services supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Imperial County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative and Support Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1016.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

a. Deputies shall only wear agency-approved body armor.

b. Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

c. Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

d. Body armor shall be worn when a deputy is working in uniform or taking part in Department range training.

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e. A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1016.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1016.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1016.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

a. Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

b. Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

c. Provide training that educates deputies about the safety benefits of wearing body armor.

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Personnel Records

1017.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1017.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1017.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

1. Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
2. Election of employee benefits.
3. Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
4. Original performance evaluations. These should be permanently retained.
5. Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
    1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
    2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
    3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
6. Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
    1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
    2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
    3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

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7. Commendations and awards.
8. Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1017.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1017.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

a. The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
b. The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

1017.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Administrative Investigations Unit in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Administrative Investigations Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

a. Not sustained
b. Unfounded
c. Exonerated

Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

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Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1017.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

a. Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
b. Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
c. Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
d. Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
e. Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1017.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Counsel or other attorneys or representatives of the County in connection with official business.

1017.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1017.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (see also Records Maintenance and Release Policy).

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Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

The Department may, without a request, disclose to the public the cause of termination for a disclosable incident involving a former deputy, as permitted by law (Penal Code § 832.7(b)(13)).

1017.8.3 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to a deputy for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the deputy engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection though a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1017.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Sheriff through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

a. An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
b. Confidential portions of internal affairs files that have not been sustained against the member.
c. Criminal investigations involving the member.
d. Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
e. Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
f. Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.

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g. Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
h. Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1017.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

a. During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
b. If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.
c. If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1017.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF DEPUTIES

Personnel records and records related to certain incidents, complaints, and investigations of deputies shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Sheriff or the Administrative Investigations Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against a deputy in connection with an incident, whether the deputy's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.

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- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7 (b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

a. Records relating to the report, investigation, or findings of:
    1. The discharge of a firearm at another person by a deputy.
    2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by a deputy.
    3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
    4. A sustained finding that a deputy failed to intervene against another deputy using force that is clearly unreasonable or excessive.
b. Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
    1. A deputy engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
    2. Dishonesty of a deputy relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another deputy, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
    3. A deputy engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
    4. A deputy made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the deputy resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple deputies, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of a deputy unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the deputy during an incident or the statements of a deputy shall be released if the statements are relevant to a finding of the qualified allegation against another deputy that is subject to release (Penal Code § 832.7(b)(5)).

1017.11.1 NOTICE OF DELAY OF RECORDS

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When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

a. Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
b. When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
    1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
        a. When the criminal proceeding is against someone other than a deputy and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by deputies.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

1017.11.2 DELAY OF RELEASE

Unless otherwise directed by the Sheriff, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

a. Active criminal investigations
    1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
    2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against a deputy or against someone other than a deputy who engaged in misconduct or used the force.
b. Filed criminal charges
    1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
c. Administrative investigations
    1. Disclosure may be delayed until:

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a. There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1017.11.3 REDACTION

The Custodian of Records, in consultation with the Sheriff or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

a. Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of deputies
b. Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
c. Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
d. Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the deputy or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

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Request for Change of Assignment

1018.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1018.2 REQUEST FOR CHANGE OF ASSIGNMENT

Imperial County Sheriff personnel wishing a change of assignment are to complete an inter-office memo. The memo should then be forwarded through the chain of command to their Lieutenant or Chief Deputy.

1018.2.1 PURPOSE OF FORM

The memo is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

The memo shall be completed listing all assignments an employee is interested in.

The memo will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

1018.3 SUPERVISOR'S COMMENTARY

The employee's immediate supervisor shall make appropriate comments on the memo before forwarding it to the Lieutenant or Chief Deputy of the employee involved. In the case of patrol deputies, the Watch Commander must comment on the request with his/her recommendation before forwarding the request to the Lieutenant.

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Standing Committees

1019.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the various standing committees and the membership positions.

1019.2 COMMITTEES

1019.2.1 AWARDS COMMITTEE

Awards Committee: is formed to foster professionalism and reward those personnel in the department for longevity, achievement, bravery, life saving and other indications of outstanding performance. Additionally the committee shall review and make recommendations for community and/or citizens awards.

Operations Chief Deputy	Chairperson
Operations Sergeant	Member
Correctional Sergeant	Member
Professional-Technical Supervisor	Member
Undersheriff	Ex-Officio Member

1019.2.2 INFORMATION SYSTEMS COMMITTEE

Information Systems Committee: is formed to meet and discuss problems related to the Automated records systems, information systems and communications systems of the department. This committee is to discuss and recommend policy for the departments systems. Additionally; the committee will review proposals and contracts relevant to these systems.

Administration Chief Deputy	Chairperson
Correctional Lieutenant	Member
Communications Supervisor	Member
Records Supervisor	Member
Operations Sergeant	Member
Information Systems Technician	Member

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Undersheriff	Ex-Officio Member

1019.2.3 WEBSITE/INTRANET TEAM

The Website/Intranet Team is formed to review website and intranet, insure it is up to date, and make suggestions to the Sheriff for any changes.

Professional-Technical Supervisor	Member
Information Systems Tech	Member
Correctional Corporal	Member

1019.2.4 OPERATIONS SIGNIFICANT EVENT REVIEW COMMITTEE

The significant event review committee is formed to review all after action reports of unusual or major events, the committee is to review all reports, gather evidence and/or testimony to thoroughly examine an event. The committee will then prepare a written report to the Sheriff outlining the event, and any action that should be taken to limit liability for the department, and recommend changes that will safeguard the employees involved in the event.

Operations Lieutenant	Chairperson
Operations Sergeant (South)	Member
Operations Sergeant (Winterhaven)	Member
Operations Sergeant (North)	Member
Undersheriff	Ex-Officio Member

1019.2.5 CORRECTIONS SIGNIFICANT EVENT REVIEW COMMITTEE

The significant event review committee is formed to review all after action reports of unusual or major events, the committee is to review all reports, gather evidence and/or testimony to thoroughly examine an event. The committee will then prepare a written report to the Sheriff outlining the event, and any action that should be taken to limit liability for the department, and recommend changes that will safeguard the employees involved in the event.

Correctional Lieutenant	Chairperson

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Correctional Sergeant	Member
Correctional Officer	Member
Investigations Lieutenant	Member
Investigations Sergeant	Member
Undersheriff	Ex-Officio Member

1019.2.6 WEAPONS AND SAFETY EQUIPMENT COMMITTEE

Weapons and Safety Equip en Committee: is formed to insure that the department remains well informed on the condition and availability of our weaponry and safety equipment. The committee will discuss and recommend new or improved products to the Sheriff to be used in developing the budget.

Operations Chief Deputy	Chairperson
Range Master	Member
Operations Sergeant	Member
Operations Sergeant	Member
Correctional Lieutenant	Member
Undersheriff	Ex-Officio Member

1019.2.7 VEHICLE COMMITTEE

The Vehicle Committee is formed to consider the types and condition of vehicles assigned to the department. The committee will recommend to the Sheriff, for budgetary consideration, types and models of vehicle and accessories associated with law enforcement usage.

Operations Lieutenant	Member
Operations Sergeant	Member
Correctional Sergeant	Member
Superintendent County Garage	Ex-Officio Member
Undersheriff	Chairman

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1019.2.8 POLICY AND PROCEDURE REVIEW COMMITTEE

The Policy and Procedure Review Committee is formed to review the departments' policy and procedures manual, and to recommend modifications. The committee is to examine the policy and procedures of the department to ensure their compliance with law, and conformity to organizational structure.

Administration Chief Deputy	Chairperson
Administration Lieutenant	Member
Operations Senior Deputy	Member
Correctional Lieutenant	Member
Deputy	Member
Professional-technical Supervisor	Member
Undersheriff	Ex-Officio Member

1019.2.9 UNIFORM COMMITTEE

The Uniform Committee is formed to review and consider changes or additions to the uniforms worn by department members. The committee will examine the uniforms and make recommendations to the Sheriff for implementation or removal from department policy.

Operations Lieutenant	Chairperson
Operations Sergeant	Member
Correctional Sergeant	Member
Professional-Technical Supervisor	Member

1019.2.10 RECRUITING COMMITTEE

The Recruiting Committee: is formed to approach prospective employees for the Sheriff's Office at social, educational, professional locations and inform them of the benefits of employment in the various Divisions within the Sheriff's Office.

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Standing Committees

Operations Sergeant	Chairperson
Correctional Sergeant	Member
Deputy Sheriff	Member
Undersheriff	Ex-Offcio Member

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Commendations and Awards

1020.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Imperial County Sheriff's Office and individuals from the community.

1020.2 POLICY

It is the policy of the Imperial County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1020.3 COMMENDATIONS

Commendations for members of the [Department/Office] or for individuals from the community may be initiated by any [department/office] member or by any person from the community.

1020.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1020.4.1 [DEPARTMENT/OFFICE] MEMBER DOCUMENTATION

Members of the [Department/Office] should document meritorious or commendable acts. The documentation should contain:

1. Identifying information:
    1. For members of the [Department/Office] - name, division and assignment at the date and time of the meritorious or commendable act
    2. For individuals from the community - name, address, telephone number
2. A brief account of the meritorious or commendable act with report numbers, as appropriate.
3. The signature of the member submitting the documentation.

1020.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. [Department/Office] members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

1. Identifying information:

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1. For members of the [Department/Office] - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

2. A brief account of the meritorious or commendable act with report numbers, as appropriate.
3. The signature of the person submitting the documentation.

1020.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the [Department/Office] should be forwarded to the appropriate Division Chief for his/her review. The Division Chief should sign and forward the documentation to the Sheriff for his/her review.

The Sheriff or the authorized designee will present the commendation to the [department/office] member for his/her signature. The documentation will then be returned to the Administrative and Support Services secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administrative and Support Services Division Chief. The documentation will be signed by the Division Chief and forwarded to the Sheriff for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1020.5 AWARDS

Awards may be bestowed upon members of the [Department/Office] and individuals from the community. These awards include:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Sheriff.

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Service Awards

1021.1 PURPOSE AND SCOPE

To adopt a Service Award Program to officially recognize the heroic, meritorious, or outstanding actions by members of the Imperial County Sheriff's Office.

1021.2 POLICY

Medals will be worn only on formal occasions on the dress uniform. The medal of valor will be worn suspended from the neck. All other medals will be worn suspended from the upper edge of the wearer's left breast pocket and centered. Departmental commendation bars will not be worn in conjunction with medals.

Commendation bars shall be worn at all other times, centered above the wearer's right breast pocket, with the bottom edge of the commendation bar one-eighth inch above the upper edge of the pocket flap. The name tag will be worn centered on the pocket flap with the upper edge of the name plate even with the upper edge of the pocket flap.

Marksmanship awards will be worn on the right pocket flap of the wearer's uniform one-half inch up and one-half inch inboard of the edge of the pocket nearest the center of the shirt.

Subsequent awards of a particular medal or commendation bar will be shown by a series of stars affixed to the basic award in the following manner.

a. second award - silver star device

b. third award - two silver star devices

c. fourth award - three silver star devices

d. fifth award - one gold star device

e. sixth award - one gold star and one silver star device

1021.3 PROCEDURE

A service awards board will be appointed by the Sheriff and will consist of a Chief Deputy, three sergeants and a member of the Imperial County Sheriffs Association. The three Sergeants will represent the Investigations, Patrol and the Corrections Divisions. The service awards will serve from July 1 through June 30.

All employees should report incidents they will the board feel merit consideration and should recommend class of award. Recommendations must be accompanied by all supporting documents and endorsed through the chain of command to the Chief Deputy of either the Administration or Operations divisions.

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The Chief Deputy, Administration, Services Division, will convene the service awards board as needed to review all recommendations and, in turn, to recommend to the Sheriff which awards they find to be appropriate.

Awards will be presented at a time and place designated by the Sheriff, and may include inspections, sheriff's conferences, and board of supervisors' meetings.

Members receiving awards shall appear in the appropriate uniform for the season. Professional-technical employees shall wear appropriate non-uniform attire.

Authorized specialty designations will be worn centered over any commendation bar, one-eighth inch above the bar.

a. Medal of Valor

b. Meritorious Service Medal

c. Distinguished Service Medal

d. Silver Cross Medal

e. Lifesaving Medal (Valor)

f. Lifesaving Medal

g. Sheriff's Commendation

1021.4 PRECEDENCE OF AWARDS

Medal of Valor - Awarded to a member, who in pursuit of a worthwhile object, acts courageously with complete disregard for his/her own life, this award consists of a medal mounted on a neck ribbon, a matching commendation bar and a certificate.

Meritorious Service Medal - Awarded to a member who acts courageously in pursuit of a worthwhile object knowingly done with risk of injury. This award consists of a medal mounted on a breast ribbon. a matching commendation bar and a certificate.

Distinguished Service Medal - Awarded to a member who has distinguished himself with an outstanding body of work over a lengthy period of time, or by outstanding and distinguished performance of duty in a specific event or series of events. This award consists of a medal mounted on a breast ribbon, and a certificate.

Silver Cross Medal - Awarded to a member who has suffered significant injuries as a direct result of hostile actions at the hand of another in the performance of duty. Significant injuries need not be life-threatening, but will require loss of duty time and serious medical intervention, including but not limited to, emergency treatment and

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hospitalization. It is intended that this award be reserved for those circumstances in which the member was truly faced with a loss of life, limb, or career as a result of intentional, violent, and hostile acts by another. This award consists of a medal mounted on a breast ribbon, a matching commendation bar, and a certificate.

Lifesaving Medal With V - Awarded to member who saves a human life in circumstances requiring heroic action, exposure to danger or performance beyond the normal call of duty. This award consists of a medal mounted on a breast ribbon, matching commendation bar, both with "V" device, and a certificate.

Lifesaving Medal - Awarded to a member who saves a human life in circumstances requiring direct action without heroism or exposure to danger. This award consists of a medal mounted on a breast ribbon, matching commendation bar and a certificate.

Sheriff's Commendation - Awarded to a member of the Imperial County Sheriff's Office or a member of the public for significant action in the accomplishment of the mission of the Department. This commendation may be awarded directly by the Sheriff of Imperial County without review of the service awards board. This award consists of a commendation bar and a certificate.

Memorandum Of Commendation - Awarded to a member for performance that is well above average and demonstrates devotion to duty, Alertness or other aptitude for public service. This award consists of a certificate prepared on the Imperial County Memorandum form. Memoranda of commendation will be awarded by the employee's Commanding Officer without review by the service awards board or the sheriff.

Marksmanship Awards - This award consists of a medal presented to the marksman achieving the highest weapon qualification during the previous calendar year in each of two classes: expert, and master. The classification will be determined by the average qualification score achieved during the previous calendar year. The following rankings apply: expert, 286-295 or 95%-98% and master, 296-300 or 99%-100%. Pins are authorized to be worn on the deputy /correctional officer uniform reflecting the qualification of expert or master during the previous calendar year. The expert or master pins are only authorized to worn by deputy/correctional officers that qualified within the expert or master rankings during the previous calendar year.

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Fitness for Duty

1022.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1022.2 EMPLOYEE RESPONSIBILITIES

a. It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

b. Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

c. During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

d. Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1022.3 SUPERVISOR RESPONSIBILITIES

a. A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

b. Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

c. In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

d. In conjunction with the Watch Commander or employee’s available Division Chief, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

e. The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

1022.4 NON-WORK RELATED CONDITIONS

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Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1022.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Chief, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

a. A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

b. The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1022.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

a. Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

b. The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action /grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

c. In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

d. All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

e. Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

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f. Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1022.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1022.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

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Meal Periods and Breaks

1023.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the Registered Voters.

1023.1.1 MEAL PERIODS

A. All non-exempt sworn Patrol Deputies, including Sergeants assigned to contract cities, non-exempt Correctional Officers, Corporals and Sergeants, non-exempt sworn employees in the Coroner's Division, On-Call Deputies assigned to North and South County Investigations Division, HIDTA Special Operations Unit, Border Crime Suppression Team, Court Bailiffs and non-sworn Dispatchers shall receive a thirty (30) minute paid meal period. The meal period is work time and employees are subject to call during the meal period

   Uniformed patrol and traffic deputies shall notify Dispatch prior to taking a meal period. Uniformed deputies shall take their breaks within the County limits unless on assignment outside of the County.

B. All other non-exempt employees in the Sheriff's Department not specified in Section A and all sworn non-exempt Civil Deputies and Administrative Investigation Unit Deputies shall receive an unpaid meal period. Employees must record the start and stop times of their meal periods in the County's electronic time tracking system.

   Employees are directed not to perform any work for the County during the meal period, except in the case of an emergency or significant operational urgency. Any non-exempt employee who is required, or receives written pre-authorization from a supervisor, to work through some or all of the meal period must complete the appropriate departmental form and submit it to his or her supervisor or manager by the end of the workday. If you are a non-exempt employee and you are required or authorized to work through a meal period, you will be compensated for the time worked at appropriate rate of pay.

   Any employee who fails to comply with the meal period policies may be subject to discipline.

1023.1.2 15 MINUTE BREAKS

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a. Each employee is entitled to a 15-minute break, near the mid point, for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty.

b. No employee shall leave an office or telephone unattended to take a rest period unless another employee temporarily covers his/her workstation. This 15-minute work period is calculated from the time the employee leaves his/her workstation until he/she returns.

c. Department heads shall not arbitrarily prohibit an employee from leaving his/her immediate work area or the building in which he/she works during a rest period, but may do so if workstations would thereby be unattended or if it would be impractical to leave and return to the area in 15 minutes.

d. Patrol Deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios. When deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Watch Commander.

e. Unused rest period shall not accumulate.

f. Emergency situations take precedence over rest periods.

g. Longer lunch hours shall not be taken in lieu of rest periods nor may the workday be shortened in lieu of rest periods.

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Lactation Breaks

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members (Labor Code § 1034).

1024.2 POLICY

It is the policy of the Imperial County Sheriff's Office to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030).

1024.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1024.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1024.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

1024.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

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Payroll Records

1025.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of [department/office] members who are eligible for the payment of wages.

1025.2 POLICY

The Imperial County Sheriff's Office maintains timely and accurate payroll records.

1025.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1025.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administrative and Support Services as established by the County payroll procedures.

1025.5 RECORDS

The Administrative and Support Services Division Chief shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Overtime Compensation Requests

1026.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1026.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

1026.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative and Support Services Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1026.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

1026.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

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After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Division Chief for final approval.

1026.2.3 DIVISION CHIEFS RESPONSIBILITY

Division Chiefs, after approving payment, will then forward the form to the Sheriff for review.

1026.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1026.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD	
1 to 15 minutes	.25	
16 to 30 minutes	.50	
31 to 45 minutes	.75	
46 to 60 minutes	1 hour	

1026.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

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Outside Employment

1027.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1027.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1027.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1027.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1027.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

a. Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit

b. Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline

c. If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

d. When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1027.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

a. Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

b. Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department

c. Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

d. Involves time demands that would render performance of the employee's duties for this department less efficient

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1027.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Sheriff in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

a. The applicant will be required to enter into an indemnification agreement prior to approval.

b. The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

c. Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

    1. The deputy(s) shall wear the departmental uniform/identification.

    2. The deputy(s) shall be subject to the rules and regulations of this department.

    3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.

    4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.

    5. Outside security services shall not be subject to the collective bargaining process.

    6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1027.3.2 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

1027.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee’s position with this department.

1027.4.1 REVIEW OF FINANCIAL RECORDS

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Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his /her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1027.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1027.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

a. The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.

b. The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

c. The employee’s failure to make timely notice of their intentions to their supervisor.

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When the disabled member returns to full duty with the Imperial County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.

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Occupational Disease and Work-Related Injury Reporting

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1028.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1028.2 POLICY

The Imperial County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1028.3 RESPONSIBILITIES

1028.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1028.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1028.3.3 DIVISION CHIEF RESPONSIBILITIES

The Division Chief who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Administrative and Support Services Division Chief to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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1028.3.4 SHERIFF RESPONSIBILITIES

The Sheriff shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the [Department/Office] shall be filed in the member’s confidential medical file.

1028.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers’ compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Chief through the chain of command and a copy sent to the Administrative and Support Services Division Chief.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1028.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1028.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1029.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

1029.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

All personnel are subject to inspection. Supervisors will ensure all personnel are maintaining a professional appearance. Any deviation by any member of this Department will result in disciplinary action and the revocation of the member's privilege.

Personnel assigned to special assignments such as HIDTA, BCST, NTF and HSI do not have to adhere to the grooming standards within this specific policy.

1029.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1029.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

Male Professional Technical Employees' mustaches shall not extend to the side of mouth by more than one-half (1/2) inch beyond the corners of the mouth.

1029.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed, neat and end in a clean- horizontal line. The flare or terminal portion of the sideburn shall not exceed the width of the main portion of the sideburn by more than one-fourth (1/4) the unflared width.

1029.2.4 GOATEES

Goatees must be neatly trimmed and well-maintained at all times and shall not be braided or fashioned into intricate designs. The upper portion on the goatee will cover no part of the upper lip. The neck must be clean shaven and the

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goatee shall not extend more than one half (1/2) inch below the jaw line. Goatees shall not exceed more than one inch in length. The goatee shall have continuous growth from the mustache to the chin. If facial hair cannot be grown to complete a goatee, it will not comply with this policy and therefore will not be permitted.

1029.2.5 BEARDS

Beards must be neatly trimmed and well-maintained at all times and shall not be braided or fashioned into intricate designs. The beard will cover no part of the upper lip. The neck must be clean shaven and the beard shall not exceed more than three quarters (3/4) of an inch below the jaw line. Beards shall not exceed more than one quarter (1/4) inch in length and shall be no wider than two and a half (2-1/2) inches in width above the jaw line at any point. The beard must have a continued growth from the sideburn to the chin. If facial hair cannot be grown to complete a full beard, it will not comply with this policy and therefore it will not be permitted.

1029.2.6 OTHER FACIAL HAIR

Facial hair other than those previously defined shall not be worn, unless authorized by the Sheriff or his/her designee.

1029.2.7 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1029.2.8 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the Department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

a. Necklaces shall not be visible above the shirt collar.
b. Earrings shall be small and worn only in or on the earlobe.
c. One ring or ring set may be worn on each hand of the Department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
d. One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
e. Wristwatches shall be conservative and present a professional image.
f. Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1029.3 TATTOOS

While on-duty or representing the Department in any official capacity, members shall make every reasonable effort to conceal tattoos or other body art. Tattoos on the arms shall be covered by either a long sleeve uniform shirt or tattoo arm sleeves to match the uniform shirt being worn. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

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1029.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

a. Tongue splitting or piercing.

b. The complete or transdermal implantation of any material other than hair replacement.

c. Abnormal shaping of the ears, eyes, nose or teeth

d. Branding or scarification.

1029.5 EXEMPTIONS

a. Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.
b. The department has the right to temporarily suspend this policy indefinitely to comply with health and safety standards. Example: a pandemic where a N95/KN95 mask is required and the continuation of this policy would contradict medical recommendations to preserve the health and safety of staff.
c. The Sheriff may, at his discretion, require an employee to shave their beard in response to certain significant events. These events include but are not limited to:
    1. Funerals of memorial services.
    2. Department inspections or official assessments.
    3. Other special professional or ceremonial events.

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Uniforms and Civilian Attire

1030.1 PURPOSE AND SCOPE

This policy provides guidelines for the Imperial County Sheriff's Office-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics are addressed in the Department-Owned and Personal Property, Personal Appearance Standards, Visible Display of Identification, and Facial Coverings policies.

The Uniform and Equipment Specifications Manual is maintained and periodically updated by the Sheriff or the authorized designee. The manual should be consulted regarding authorized equipment and uniform specifications.

1030.2 UNIFORMS

The Sheriff or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-issued uniforms:

a. Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
b. Deputies in a non-uniformed assignment shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
c. Uniforms shall be worn in compliance with any applicable department specifications.
d. Members shall wear only the uniform specified for their ranks and assignments (Penal Code § 13655).
e. Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
f. Uniforms are only to be worn while on-duty, for court, at official department functions or events, while in transit to or from work, or when authorized by the Sheriff or the authorized designee.
    1. When the uniform is worn while in transit, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while they are off-duty.
g. Members are not to purchase or drink alcoholic beverages while wearing any part of the department-issued uniform, including the uniform pants.
h. All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

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1030.2.1 IDENTIFICATION CARDS

The Department issues each member an official department identification card bearing the member's name, full-face photograph, member identification number, member's signature, and signature of the Sheriff or the official seal of the Department, and photo likeness. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

a. Whenever on duty or acting in an official capacity representing the Department, members shall display their department-issued identification in a courteous manner to any person upon request and as soon as practical.
b. Deputies or other members working specialized assignments may be excused from the possession and display requirements when directed by their Lieutenants.

1030.2.2 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Sheriff. TThe mourning band shall be worn from the 11 o'clock position to the 5 o'clock position as if looking at the face of a clock. The following mourning periods will be observed:

a. Imperial County Sheriff's Office deputy or correctional officer - From the time of death until midnight on the 14th day after the death.
b. A deputy from this or an adjacent county - From the time of death until midnight on the day of the funeral.
c. Funeral attendee - While attending the funeral of an out-of-region fallen officer.
d. National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
e. As directed by the Sheriff.

1030.2.3 INSIGNIA, PATCHES, AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Sheriff:

a. Shoulder patch - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.
b. Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
c. Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform (Penal Code § 830.10).
    1. When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.
d. Rank insignia - The designated insignia indicating the member's rank must be worn at all times while in uniform.
e. Service insignia - The designated insignia indicating the member's length of service shall be worn on long-sleeve shirts and jackets. The insignia shall be machine stitched to the left sleeve of the uniform. One stripe for every three years of service to the Imperial County Sheriff's Office.
f. Assignment insignias - Assignment insignias (e.g., Sheriff's Emergency Response Team (SERT), Field Training Officer (FTO) etc.) may be worn as designated by the Sheriff.

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g. American flag pin - An American flag pin may be worn, centered above the nameplate.
h. Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Sheriff, may be worn, centered above the nameplate. If more than one award is worn, or an American flag pin is worn, the insignia shall be equally spaced in one or two horizontal rows centered above the nameplate in a manner that provides a balanced appearance.

1030.2.4 ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

a. Mirrored sunglasses will not be worn.
b. Jewelry shall be in accordance with the specifications in Personal Appearance Standards Policy.

1030.3 UNIFORM CLASSES

The Sheriff or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

Uniforms are classified as follows:

a. Class A - Full dress uniform to be worn by designateddepartment members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Sheriff or the authorized designee.
b. Class B - Standard issue uniform to be worn daily by designated department members.
c. Class C - General utility uniform to be worn by designated department members.
d. Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.

1030.3.1 CLASS A UNIFORM

The Class A uniform is to be worn as the uniform of the day or on special occasions such as funerals, graduations, ceremonies, or as directed. All sworn personnel will possess and maintain a serviceable Class A uniform at all times. When the Class A uniform is worn on special occasions, including but not limited to, funerals, graduations, or ceremonies, all personnel will be required to maintain a uniform appearance(e.g. everyone will wear felt western style hats or straw campaign hats or no one will wear hats, everyone will wear Ike style jackets or no one will wear jackets).

The Class A uniform shall consist of the following items:

- Felt Western Style hat silverbelly or Triple brim straw campaign hat forest/leaf green.
- Long sleeve shirt and appropriate insignia: Flying Cross Product# F1 CS1020/Male & F1 CS1020W/Female, 19W66/Male (Until 7/1/2027) & 103W66/Female (Until 7/1/2027), Silver Tan.
- Necktie & tie bar.
- Sam Brown, Keepers, Weapon and holster.

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- Uniform Trousers: Flying Cross Product# 32218/Male & 32218W/Female Poly/Wool Blend, Forest Green or Product# 32230/Male & 32230W/Female Poly, Forest Green.
- Black tee shirt optional, if worn must be solid black without any writing, pictures or decorations.
- Black socks.
- Highly Polished leather footwear.
- Ike jacket (The fabric of the Ike jacket and uniform trousers must match).
- American flag pin.
- Collateral Duty and award pins and medals may be worn on this uniform.

1030.3.2 CLASS B UNIFORM

The Class B uniform is to be worn as an optional uniform of the day.

All sworn personnel will possess and maintain a serviceable Class B uniform at all times.

Standard Class B Uniform

The Class B uniform shall consist of the following items:

- Optional Felt western style hat, straw western style hat, triple brim straw campaign hat forest/Leaf green, or black baseball cap, which may only be purchased through the Sheriff's Office.
- Short sleeve shirt, only top button authorized to be worn open and appropriate insignia: Flying Cross Product# F1 CS1000/Male & F1 CS1000W/Female, 69R66/Male (Until 7/1/2027) & 153R66/Female (Until 7 /1/2027), Silver Tan.

- Long sleeve shirt with black neck sweater, Dickey with I.C.S.O. embroidered on one side of neck, or black tee shirt, only top button authorized to be worn open, and appropriate insignia: Flying Cross Product# F1 CS1020/Male & F1 CS1020W/Female, 19W66/Male (Until 7/1/2027) & 103W66/Female (Until 7/1/2027), Silver Tan.
- Sam Brown, keepers, weapon, holster and accessories.
- Uniform Trousers: Flying Cross Product# 32218/Male & 32218W/Female Poly/Wool Blend, Forest Green or Product# 32230/Male & 32230W/Female Poly, Forest Green.
- Black crew neck tee shirt that is solid black without any writing, pictures, or decorations.
- Black socks.
- Polished black leather footwear.
- Work jacket as listed below in specifications.
- Collateral duty and awards pins may be worn on this uniform.

Additional Class B (Patrol Only) Patrol Duty Uniforms:

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Authorized Class B Load Bearing Vest (LBV) Uniform

- First Tactical Performance Polo Short Sleeve: Product # 112509-065/Male & 122509-065/Female, Silver Tan.
- First Tactical Performance Polo Long Sleeve: Product # 111503-065/Male & 121503-065/Female, Silver Tan.

Appropriate and authorized Imperial County Sheriff's Office patches and chevrons sewn on and tailored to fit.

Imperial County Sheriff's Office badge sewn on left chest.

First initial and last name sewn on right chest.

- OD Green First Tactical V2 Pants: Product # 114011-830/Male & 124011-830/Female.
- Straw western hat, triple brim straw campaign hat forest/leaf green, or black baseball cap, which may only be purchased through the Sheriff's Office.
- Plain black crew neck tee shirt.
- Polished black leather footwear.
- Work jacket as listed below in specifications.
- Black nylon duty belt with black nylon keepers.
- Black STX tactical finish Safariland ALS Level 1 (or greater) drop down holster.
- Green load bearing vest (LBV). Safariland TAC TMW for 2.0 armor (788/DN6666) with Velcro badge, 1" tall name plate with first initial and last name (OD with gold letters), 3" x 6" "Sheriff" patch on rear (OD with gold letters) and the following accessories:
-
    - OD radio pouch (High Speed Gear Multi Access Comm TACO MOLLE-11MAC0OD).
    - OD baton holder (High Speed Gear Extended Pistol MOLLE-11EX00OD).
    - OD Taser holster (High Speed Gear Stun Gun TACO MOLLE-11SG00OD).
    - OD OC holder (High Speed Gear 40 MM TACO Single MOLLE-11M401OD).
    - OD flashlight holder (High Speed Gear Pistol TACO LT MOLLE-17PT00OD).
    - OD pistol magazine pouch (High Speed Gear Triple Pistol TACO MOLLE-11PT030D or High Speed Gear Double Pistol TACO MOLLE-11PT020D) Not to exceed three magazines.
    - OD handcuff cases (High Speed Gear Handcuff TACO MOLLE-11DC00OD) Not to exceed two cases.
    - MOLLE Axon body worn camera mount.
    - Corrections Only LBV Accessories:

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-
    - Black nylon MK-9 drop down holster.
    - OD gloves and scissors holder (High Speed Gear Bleeder/Blowout Pouch MOLLE-12BP00OD).
    - OD glove pouch (High Speed Gear Pogey Pouch MOLLE-12G00OD).

Deputies who utilize the Class B LBV must insert their department issued soft body armor into the LBV. Deputies may add personally owned hard body armor as an additional layer of protection if desired. LBV's can be taken off in a secured facility and controlled environment outside of the public view and/or access. The LBV shall be worn at all times when in the patrol vehicle and out in the public. If the LBV is taken off while on duty, the LBV must be kept within reach and readily available to don in the event immediate action needs to be taken.

No additional items, gear, or novelty/morale patches may be attached to the LBV's beyond what is outlined above. No pins or medals of any sort shall be worn on the LBV's. If wearing this uniform, all above listed items must be worn on the vest unless there is not room for the item on the LBV. The items authorized to be worn on the belt would be the drop down gun holster, tourniquet holder, and small medical pouch if desired. The baton, radio, or taser may be placed on the belt if there is no room for it on the vest. Tourniquet may be placed on the vest if space is available.

LBV's must be properly fitted and worn so that the bottom of the LBV is down to the belly button line. The LBV's must be kept clean, neat and serviceable at all times. The LBV is an optional Class B uniform and purchased at the employee's own expense. The LBV shall be worn clean, free from fading and tears, and the adjustable cords on the pouches must be kept tucked in or neatly trimmed so that the cords do not hang. If the pouches or the LBV begin to fray, fade, or show excessive wear, it must be taken out of service and/or replaced immediately.

It is imperative that all deputies maintain a professional appearance in public at all times while wearing any Sheriff's Office approved uniforms.

Before utilizing the LBV on patrol, Deputies must present the LBV for review and approval by the Operations Lieutenants.

1030.3.3 CLASS C UNIFORM (CORRECTIONS CLASS C/D COMBINED)

The Class C uniform is to be worn as directed.

All Corrections personnel will optionally possess and maintain a serviceable Class C uniform to be worn on compound and Correctional Facility work assignments.

The Class C uniform shall consist of the following items:

- Headgear optional: Black baseball cap (with or without mesh, and women's cap), which may only be purchased through the Sheriff's Office.

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- Short sleeve utility shirt or utility polo (only top button authorized to be worn open) or long sleeve utility shirt or utility polo with appropriate sewn on patches, nametags, and insignia (Correctional star top left chest, first initial and last name top right chest, patches and rank insignia on sleeves) worn tucked:
    1. Flying Cross-Fechheimer 324N5603, 224N5603, 674N5603, 274N5603 with 1inch name tape (OD green with gold lettering) with first initial and last name on right chest
    2. First Tactical Performance Polo Long Sleeve: Product # 111503-065/Male & 121503-065/Female, Silver Tan with first initial and last name sewn on right chest in black thread.
    3. First Tactical Performance Polo Short Sleeve: Product # 112509-065/Male & 122509-065/Female, Silver Tan with first initial and last name sewn on right chest in black thread.
- Black nylon belt with all issued safety gear and equipment.
- OD Green First Tactical V2 pants: Product # 114011-830/Male & 124011-830/Female.

- LAPG Men's/Women's Operator Pant: Product# BO1003EWB/Male & PT-WB1003/Female.

- Black crew neck tee shirt that is solid black without any writing, pictures, or decorations.
- Black socks.
- Polished black leather footwear.
- Work jacket as listed below in specifications.

1030.3.4 SPECIALIZED UNIT UNIFORMS

Due to the specific needs and specialized assignments the following units shall be authorized to wear the following uniforms in addition to the class A and B uniforms.

Imperial County Sheriff's Underwater Recovery Team(ICSURT) and Boating Enforcement Safety Team (BEST)

- ICSURT and BEST shall be authorized to wear on scheduled or emergency operations:
    - Black baseball cap that may only be purchased through the Imperial County Sheriff's Office or a lifeguard type straw hat.
    - Class C uniform shirt.
    - Green or tan ICSURT tee shirt with crew neck.
    - Class B or C OD Green First Tactical V2 pants: Product#114011-830/Male & 124011-830/Female.
    - OD green shorts (authorized only for working on the water).
    - Socks; black with boots or white mid-calf crew length worn with short pants.
    - White low quarterdeck shoes or black boots with non-slip soles.
    - Work coat; Tuffy, car coat 3/4 length, or chill chaser.
    - Black nylon weave or leather Sam Brown belt, with standard issue holster or tactical thigh style holster, and accessories.

Imperial County Sheriff's Off Highway Vehicle Enforcement Safety Team (OHVEST)

- OHVEST shall be authorized to wear on scheduled or emergency operation:
    - Black Baseball Cap that may only be purchased through the Imperial County Sheriff's Office.

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- Class B or C uniform shirt.
- OD Green First Tactical V2 pants: Product#114011-830/Male & 124011-830/Female.
- Tan or black T-shirt with a crew neck, silk screened Sheriff's star on left chest and "OHVEST" on the rear.
- Black nylon weave or leather Sam Brown belt, with standard issue holster or tactical thigh style holster, and accessories.

Imperial County Sheriff's Special Emergency Response Team (SERT)

- SERT shall be authorized to wear on scheduled or emergency operations:
  - TDU green 5.11 Rapid Assault long sleeve shirt: Product #72194. The shirt shall have cloth subdued green Sheriff's star sewn onto left chest with SERT below in black letters, cloth nametag (olive green with black letters) or embroidered name in black letters sewn onto the right chest , Imperial County Sheriff's Office shoulder patches will be worn on both sleeves in a subdued green, no rank will be worn on the shirt.
  - TDU Green 5.11 Stryke Pants with Flex Tac: Product#74369/Male & 64386/Female.
  - Tan tactical boots will be worn.
  - Tan T-shirt with a crew neck, silk screened Sheriff's star on left chest with SERT logo on the right chest in green.
  - Department issued SERT gun belt with standard issue holster or tactical thigh style holster and accessories.
  - Headgear; Olive green boonie style hat, OD green beenie with SERT logo on front and green Kevlar helmet.
  - Green department issued SERT entry vest with approved attachments.

Imperial County Sheriff's Corrections Special Operations Response Team (CSORT)

- CSORT, shall be authorized to wear on scheduled or emergency operations:
  - Tan T.D.U. long sleeve shirt, worn tucked, sleeves will be down for all operations and training. Imperial County Sheriff's Office subdued (black and gray) shoulder patches will be worn on both sleeves. No rank will be worn on the shirt.
  - Tan B.D.U. trousers.
  - Black tactical boots will be worn.
  - Black crew neck tee shirt that is solid black without any writing, pictures, or decorations.
  - Black nylon belt will be worn with the pants.
  - Headgear is to be a fitted black ball cap with a subdued CSORT logo.

Imperial County Sheriff's Service Officers (SSO)

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- SSO's shall be authorized to wear in addition to class A and B uniforms:
  - Black short or long sleeve First Tactical performance polo's with Imperial County Sheriff's Office logo embroidered on the left chest: Product # 112509 short sleeve, 111503 long sleeve /Male & 122509 short sleeve, 121503 long sleeve/Female.
  - OD Green First Tactical V2 pants: Product # 114011-830/Male & 124011-830/Female.
  - Black basketweave belt.
  - Polished black leather footwear.

Imperial County Sheriff's Scientific Investigations Unit (SIU)

- SIU shall be authorized to wear:
  - OD Green First Tactical V2 pants: Product #114011-830/Male & 124011-830/Female.
  - Black short or long sleeve First Tactical performance polo's with Imperial County Sheriff's Office logo embroidered on the left chest: Product # 112509 short sleeve, 111503 long sleeve/Male & 122509 short sleeve, 121503 long sleeve/Female.
  - Black or TDU Khaki 5.11 Taclite Pro Shirt; Product # 71175 short sleeve, 72175 long sleeve/Male
  - Black or KhakiSport Tek Competitor T-Shirt; Product # ST350 short sleeve, ST350LS long sleeve
  - Black or Olive Drab United Uniform Versa Duty Jacket Soft Shell Liner; Product # JA1259
  - Black or tan boots
  - Nylon belt; black
  - Optional western style straw hat or black baseball cap which may only be purchased through the Sheriff's Office.
  - Business Attire optional.

Imperial County Sheriff's Coroner

- **Coroner investigators shall be authorized to wear:**
  - OD Green First Tactical V2 pants: Product #114011-830/Male & 124011-830/Female.
  - Tan or black T-shirt with a crew neck, silkscreened Sheriff's star on left chest and "Coroner" on the rear.
  - ICSO embroidered polo shirt.
  - Business Attire.
  - Black or tan boots.

Volunteer Groups

- **The Imperial County Sheriff's Aero Squadron**

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- Aero Squadronmembers shall be authorized to wear on scheduled or emergency operations:
  - Jumpsuit as follows; Nomex sage green meeting MilSpec CWU-27P standards. Jumpsuit to have long sleeves, 2 slant chest pockets with zipper closure, 1 knife pocket, 2 lower leg pockets with zipper closures, 1 sleeve pencil pocket with Velcro flap closure, Velcro adjustable cuffs, 2 way front zipper closure, Velcro waist adjustment straps, all seams to be 2 needle felled construction Leather nametag to be Velcro attached to right chest.
  - Imperial County Sheriff's Office Star (Cloth) patch sewn on left chest.
  - Imperial County Sheriff's Office shoulder patch sewn on left shoulder.
  - American flag sewn on right shoulder.
  - Nomex gloves.
  - Flight helmet.

- **The Imperial County Sheriff's Mounted Posse**
  - Posse members shall be authorized to wear on scheduled or emergency operations:
    - White (entire shirt), western style long sleeve, equivalent in style to Panhandle Slim Model 0201.
    - Blue denim western style trousers.
    - Brown basket weave western style belt.
    - Natural brown western style boots.

- **The Imperial County Sheriff's Office De Anza Search and Rescue Unit**
  - De Anza members shall be authorized to wear on scheduled or emergency operations:
    - Silver tan long or short sleeve uniform shirt with De Anza Rescue Unit Patch on sleeves.
    - Green BDU pants.
    - Tan boots.
    - Black nylon duty belt.
    - Green reflective vest.
    - Tan boonie hat or tan ball cap.

- **The Imperial County Sheriff's Office Public Safety Cadets**
  - Cadets shall be authorized to wear during meetings or on operations:
    - Class A Uniform
      - Blue shirt, long sleeve..
      - Black crew neck tee shirt that is solid black without any writing, pictures, or decorations.
      - Navy blue polyester trousers.
      - Black basket weave belt with brass square buckle.
      - Black boot with round toe, leather or leather-polished toe with nylon upper.
      - Black tie.

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        - Jacket; black Tuffy, black windbreaker.
        - Cadet patches on left and right shoulders as authorized by POST coordinator.
    - Class B
        - Blue shirt, short sleeve..
        - Black crew neck tee shirt that is solid black without any writing, pictures, or decorations.
        - Navy blue polyester trousers.
        - Black basket weave belt with brass square buckle.
        - Black boot with round toe, leather or leather-polished toe with nylon upper.
        - Jacket; black Tuffy, black windbreaker.
        - Cadet patches on left and right shoulders as authorized by POST Coordinator.
    - Class C
        - Navy blue, long sleeve BDU shirt.
        - Navy blue crew neck tee shirt with Cadet logos on front and back.
        - Black crew neck tee shirt that is solid black without any writing, pictures, or decorations.
        - Navy blue BDU trousers with side pockets.
        - Black basket weave belt with brass square buckle.
        - Black boot with round toe, leather or leather-polished toe with nylon upper.
        - Tennis shoes as authorized by POST coordinator.
        - Black nylon gym shorts.
        - Baseball cap with cadet logo on front.
        - Uniform Jacket; black Tuffy, black windbreaker.
    - Color Guard
        - Class A shirt
        - Black tie and tie bar.
        - White corded shoulder rope
        - Navy blue polyester trousers
        - Black basketweave belt with brass square buckle.
        - Black Sam Brown duty belt.
        - White gloves.
        - Black Oxford low quarter high gloss shoes or black boots with round toe, leather or leather-polished toe with nylon upper.
    - Accessories
        - Sam Brown belt.
        - Keepers with silver snaps.
        - Black basket weave handcuff case, and handcuffs.
        - Black leather flashlight holder with flashlight.
    - Headgear
        - Black Campaign hat.
        - Black Baseball cap.
- ICSO Cadet Advisors
    - Cadet Advisors shall be authorized to wear the Deputy Sheriff Class B uniform items with the following modifications and additions on scheduled or emergency operations:

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- The Deputy Sheriff who is assigned as the Cadet Advisor shall wear either the Departmental Class A or B uniform when at a public function representing the Sheriff's Office.
    - Class A
        - Long sleeve shirts with the Imperial County Sheriff's Office patches on the right and left shoulders.
    - Class B
        - Short Sleeve shirt with the Imperial County Sheriff's Office patches on the right and left shoulders.
    - Class C
        - TDU Green 5.11Stryke pants with Flex Tac (Non bloused): Product # 74369 /Male &64386/Female.
        - Blue denim jeans free of rips, tears, or fading.
        - Black polo with Imperial County Sheriff's Office logo on left chest.
        - Black crew neck tee shirt..
        - Black nylon gym shorts.
        - Black tennis shoes, black boots, or tan boots.
        - Headgear; Imperial County Sheriff's Office approved hat or same as Cadets..

○ Civilian Cadet Advisors

- Civilian Cadet Advisors shall be authorized to wear on scheduled or emergency operations:
    - Black polo with Imperial County Sheriff's Office logo on left chest.
    - Black crew neck tee shirt
    - Blue denim jeans free of rips, tears, or fading.
    - TDU Green 5.11 Stryke pants with Flex Tac (non bloused): Product # 74369/Male &64386/Female.
    - Black nylon gym shorts.
    - Black tennis shoes, black boots, or tan boots.
    - Headgear; same as Cadets.

1030.3.5 UNIFORM SPECIFICATIONS

Where a reference brand and model of uniform item is listed in the uniform specifications, it is not implied as an endorsement of any particular brand. Rather, any item worn by the employee must match the reference items in all aspects of quality, style, appearance, construction, and utility.

- **Imperial County Sheriff's Office Shirt**
    - Tan in color, pleated pockets with scalloped flaps, epaulets, sewn in badge holder above left pocket, baked in (sewn in not acceptable) military creases, pencil compartment left pocket, hidden zipper front.
    - Short sleeve with convertible sport collar with permanent collar stays. Shirts shall be 96%Polyester and 4% Spandex.
    - Long sleeve conventional collar and permanent collar stays. Shirts shall be 96% Polyester and 4% Spandex.

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- Reference: Flying Cross: Product# F1 CS1020/Male & F1 CS1020W/Female, Long Sleeve, Silver Tan & Flying Cross Product# F1 CS1000/Male & F1 CS1000W/Female, Short Sleeve, Silver Tan).
- Silver Tan First Tactical Performance Polo : Product # Short Sleeve 112509-065/Male & 122509-065 Female, Long Sleeve 111503-065/Male & 121503-065/Female.
- Corrections Class C Utility Shirt; 5.5 oz. 65/35 cotton twill blend or 100% Polyester Polo. Short sleeve and long sleeve, tan in color, mitered flaps with Velcro closures. Uniform shirts to have ICSO shoulder patches on each shoulder. Sewn on military name tape with gold block letters of surname or employee.
    - Reference: Flying Cross-Fechheimer 324N5603, 224N5603, 674N5603, 274N5603 and First Tactical Performance Polo 112509-065/Male Short Sleeve & 122509-065/Female Short Sleeve, 111503-065/Male Long Sleeve & 121503-065/Female Long Sleeve.

- **Imperial County Sheriff's Office Trousers**
    - Forest green with straight side pockets, keystone belt loops, snug-tex waistband with ban-roll, French fly, brass zipper, bar tacked and toy stitched rear pockets, sap pocket optional.
        - Female trousers may have elastic waistband in rear.
        - Trousers shall be 100% polyester 13.5 ounces elastic weave or 59% polyester / 45% wool elastic weave.
            - Reference: Flying Cross Product# 32218/Male & 32218W/Female Poly/Wool Blend, Forest Green or Product# 32230/Male & 32230W/Female Poly, Forest Green.
    - OD Green First Tactical V2 Pants: Product #114011-830/Male & 124011-830/Female.
- **Imperial County Sheriff's Office Boating Shorts**
    - Olive green, multi pocket uniform style, non roll waistband, large tunnel belt loops, two rear patch pockets with button flaps, double needle topstitch with bar tacked stress points.
    - Inseam to be at least 6.5 inches but no longer than the top of the knees.
- **Imperial County Sheriff's Office Jumpsuit**
    - Long or short sleeved, 7.5 ounce 65% polyester / 35% cotton twill forest green with safety stitched seams, pleated by-swing back, reinforced bar tacked at stress points, 2 way heavy duty brass zipper, two slanted front zippered pockets, reinforced hip pockets with at least one with a zipper closure.
- **Imperial County Sheriff's Office Jackets**
    - Work
        - Forest green, with optional zip out lining, 2 front pockets with scalloped flaps, plush pile collar optional, badge tab, shirred waistband, side zippers optional, with gold buttons either "S" or "Eureka" or flat black buttons.
        -
            - References; chill chaser, Tuffy, car coat 3/4 length.
        - OD Green, 2 front zipper pockets, side zippers with adjustable snaps, with Imperial County Sheriff's Office shoulder patches, cloth badge on left chest, and nameplate with first initial and last name in gold letters on right chest.
        -

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- Reference: United Uniform Versa Soft Shell Jacket #UM5356

- Black top grain cowhide, black leather collar, two front side entry patch pockets with button down flaps, brass front zipper. Worn with gold metal name plate, badge and Imperial County Sheriff's Office shoulder patches.

-

- Reference; San Diego Leather () G-1 Operations Jacket black top grain cowhide.

- **Formal**
  - Ike style jacket fully lined with zipper front, pleated front patch pockets with scalloped flaps, cross stitched epaulets, badge tab above left pocket, single 1/2" gold trim band around each sleeve 3" from cuff, epaulet buttons to be gold "S".
  -
    - Reference; 45/55 wool - polyester blend, 100% polyester, 100% wool.
- **Imperial County Sheriff's Office Footwear**
  - Plain black shoe in hi gloss or leather. Plain black, tactical or western style, boot with leather toe. Shoes and boots shall have round toes, pointed toe is not approved.
- **Imperial County Sheriff's Office Socks**
  - Black.
- **Imperial County Sheriff's Office black tee shirt**
  - Black crew neck tee shirt that is solid black without any writing, pictures, or decorations.
- **Imperial County Sheriff's Office Belt**
  - Black leather basketweave 1 3/4" width with brass square buckle.
- **Imperial County Sheriff's Office Nametag**
  - Gold metal nameplate 2 3/8" by 1/2" with black letters, listing the first initial and then the last name.
- **Imperial County Sheriff's Office Head wear**.
  - Hats are not to be modified by the wearer, brim and band to be factory stock appearance.
  - Hats are to be clean and free of sweat stains.
  - Western style Silver Belly, 4 1/4" cattleman's-crease, raw edge, with 4" crown.
  - Western style straw, 4 1/4" cattleman's crease, raw edge, with 4" crown.
  - Black baseball cap which may only be purchased through the Sheriff's Office.
  - Triple brim straw campaign hat, with 3" flat brim, eyelets on opposite sides, hat badge eyelet on front center of hat, 2.25" above brim, color Forest/Leaf green, manufactured by Stratton Hats. Hat ribbon to be dark green in color, black one-piece chin strap to be attached to hat. Hats used for ceremonial wear shall also have gold acorns attached.
- **Imperial County Sheriff's Office Necktie**
  - Plain, black, 2-3 inches at the widest point, clip on or Velcro closure only.
  - Black turtle neck sweater or Dickey with I.C.S.O. embroidered on one side of the side neck.
- **Imperial County Sheriff's Office Tie bar**
  - Plain brass, worn at the top of the shirt pockets.
- **Imperial County Sheriff's Office Insignias**
  - Only as issued or authorized by the Department. Chevrons and hash marks are to be gold over black.

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1030.4 AUTHORIZED MEDALS, INSIGNIAS, PINS AND PATCHES

a. **MEDALS**

1. Medal of Valor
2. Meritorious Service
3. Distinguished Service
4. Silver Cross
5. Lifesaving with a 'V'
6. Lifesaving

a. **INSIGNIAS**

1. Sheriff's Badge
2. Five stars - Sheriff
3. Three stars - Undersheriff
4. Two stars - Chief Deputy
5. Double Gold Bar - Correctional Captain
6. Single Gold Bar - Lieutenant
7. Three gold chevrons - Sergeant
8. Two gold chevrons - Senior Deputy/Correctional Corporal

a. **PINS**

1. American flag:
    a. 1.375" x.375"
    b. Union on the left and horizontal stripes on the right
    c. "ICSO" engraved in the bottom stripe
    d. Pin shall be worn centered 1/8" above the name plate
2. SERT
3. CSORT
4. Dive Team
5. Marksmanship; Top Gun, Master, Expert
6. Paramedic - Emergency Medical Technician
7. Honor Guard
8. FTO
9. JTO
10. MADD

a. **PATCHES**

1. ICSO Autism Awareness Patches are authorized to be worn by uniformed personnel during the month of April to show support for Autism Awareness Month. These patches shall be machine stitched to the sleeves of authorized uniform shirts by uniformed personnel who wish to participate.
2. ICSO Breast Cancer Awareness Patches are authorized to be worn by uniformed personnel during the month of October to show support for Breast Cancer Awareness Month. These patches shall be

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machine stitched to the sleeves of authorized uniform shirts by uniformed personnel who wish to participate.

1030.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- The following items shall not be worn on duty:
    - T-shirt alone
    - Open toed sandals or thongs
    - Sneaker/Tennis shoes of any type unless medically prescribed
    - Swimsuit, tube tops, or halter-tops
    - Spandex type pants or see-through clothing
    - Distasteful printed slogans, buttons or pins
    - Shirts with tails worn outside of trousers (male)
    - Excessively tight pants or clothing
    - Low-cut or revealing necklines
    - Short skirts no more than 2" above the knee
    - Shirts/blouses that do not cover the midsection of body
    - Sweatpants or sweatshirts
    - Shorts and/or jogging suits
    - Clothing with spaghetti/thin straps
    - Levis, jeans, wranglers, or denims
    - Low-rider or hip-hugger type slacks or pants
    - Ball caps other than the approved ICSO ball cap
- Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- No item of civilian attire may be worn on duty that would adversely affect the reputation of the Imperial County Sheriff's Office or the morale of the employees.
- Jeans are approved for Fridays (also referred to as Casual Fridays) if they are clean, without holes or fraying, and are not overly distressed. Casual Friday may be moved at the direction of the Sheriff.
- Professional Technical Employees assigned to Dispatch or Records are authorized the wearing of jeans during graveyard shifts and weekends. They must also be clean, without holes or fraying, and not overly distressed.

1030.6 OPTIONAL EQUIPMENT

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Any items that are allowed by the Imperial County Sheriff's Office but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the Department.

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy shall be done as follows:

a. When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
b. When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Department-Owned and Personal Property Policy.

1030.6.1 RETIREE BADGES

The Sheriff may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states the person has honorably retired from the Imperial County Sheriff's Office. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retiree Concealed Firearms Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Imperial County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1030.7 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Department members may not wear any uniform item, accessory, or attachment unless specifically authorized in the Uniform and Equipment Specifications Manual, by the Sheriff, or the authorized designee.

Department members may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications Manual, by the Sheriff, or the authorized designee.

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Sheriff's Cadets

1031.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1031.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a grade point average of 2.0 for all courses taken.

1031.3 DEPUTY SHERIFF CADET ADVISOR

A deputy sheriff will serve as the Cadet advisor. This supervisor will be responsible for tracking the educational and job performance of Cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all Cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1031.3.1 CADET ADVISORS

The deputy sheriff cadet advisor may select individuals to serve as advisors for the cadet program. These people will serve as mentors for each Cadet. Cadets will bring special requests, concerns, and suggestions to cadet advisors for advice or direction. One advisor may be designated to lead scheduled meetings and training sessions involving the Cadets. Cadet Advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the supervisor should be referred back to the deputy sheriff cadet advisor.

1031.4 ORIENTATION AND TRAINING

New Cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Sheriff's Cadet Training Manual. Training sessions will be scheduled as needed to train Cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare Cadets to compete successfully in the deputy selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become Deputies. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1031.5 CADET UNIFORMS

Each Cadet will be responsible for providing their own uniforms meeting the specifications described in § 1046.34.

1031.6 RIDE-ALONG PROCEDURES

All Cadets are authorized to participate in the Ride-Along Program on their own time and as approved by the cadet advisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

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1031.7 PERFORMANCE EVALUATIONS

Performance evaluations for all Cadets shall be completed monthly during their first year on probation. Upon successful completion of probation, Cadets will be evaluated on a yearly basis to assess their current job performance and their potential as Deputies.

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Nepotism and Conflicting Relationships

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1032.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1032.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

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a. Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

    1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

    2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

b. Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

c. Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

d. To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

e. Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1032.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1032.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

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Department Badges

1033.1 PURPOSE AND SCOPE

The Imperial County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Imperial County Sheriff's Office are property of the Department and their use shall be restricted as set forth in this policy.

1033.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1033.2.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

a. A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the Imperial County Sheriff's Office with the written approval of the Sheriff
b. Should the flat badge become lost, damaged, or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
c. An honorably retired deputy may keep his/her flat badge upon retirement.
d. The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1033.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

a. Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
b. Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1033.2.3 RETIREE UNIFORM BADGE

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Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1033.2.4 PURCHASE OF EMPLOYEE'S ISSUED BADGE

Personnel who have been employed by the Imperial County Sheriff's Office for a minimum of ten years, and are in good standing with the department, are authorized to purchase their issued badge with the approval of the Sheriff. The Sheriff or his/her designee may approve the purchase of a badge by an employee with less than ten years of service at his/her discretion.

1033.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1033.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

a. The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Imperial County Sheriff's Office. The following modifications shall be included:
    1. The text on the upper and lower ribbons is replaced with the name of the employee association.
    2. The badge number portion displays the acronym of the employee association.
b. The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

1033.5 TASK FORCE OFFICER (TFO) BADGE

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Department Badges

State, Local and Federal Task Force Officers assigned to the Imperial County Sheriff's Office shall be issued a department badge as a symbol of authority and the use and display of department badges shall be in strict compliance with this policy.

(a) The following modification shall be included:

1. The text on the ribbon is replaced with Task Force Officer (TFO).

(b) Badges remain property of the Imperial County Sheriff's Office during tenure as a TFO.

(c) TFOs, with the written approval of the Sheriff, may purchase, at his/her own expense, their TFO badge upon reassignment back to their respective agency.

(d) Only TFOs that have successfully and honorably completed their assignment as a TFO are eligible to purchase their badge.

(e) TFOs shall have a minimum of (2) two years of service to be approved for the purchase of a badge. (f) It is intended that the badge purchased is to be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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Temporary Modified-Duty Assignments

1034.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, current memorandums of understanding, or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1034.2 POLICY

Subject to operational considerations, the Imperial County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1034.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Imperial County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1034.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Chief Deputy or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

a. An assessment of the nature and probable duration of the illness or injury.
b. The prognosis for recovery.
c. The nature and scope of limitations and/or work restrictions.
d. A statement regarding any required workplace accommodations, mobility aids or medical devices.
e. A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Chief Deputy will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Sheriff or the authorized designee shall confer with Human Resources or County Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Lieutenant or Chief Deputy, with notice to the Sheriff.

1034.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Chief.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1034.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

a. Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
b. Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
c. Supervisors shall keep the Chief Deputy apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Chief Deputy with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff.

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d. When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Chief Deputy and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1034.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1034.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Chief Deputy.

1034.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

a. Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
b. Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
c. Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
d. Submitting a written status report to the Chief Deputy that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1034.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

a. Periodically apprising the Chief Deputy of the status and performance of employees assigned to temporary modified duty.
b. Notifying the Chief Deputy and ensuring that the required documentation facilitating a return to full duty is received from the employee.
c. Ensuring that employees returning to full duty have completed any required training and certification.

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1034.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1034.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Government Code § 12945).

1034.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

1034.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1034.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Speech, Expression, and Social Networking

1035.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Imperial County Sheriff's Office.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1035.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Imperial County Sheriff's Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1035.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Imperial County Sheriff's Office members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow department member.

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- Otherwise disclosing where another deputy can be located off-duty.

1035.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Imperial County Sheriff's Office, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

a. Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.
b. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
    1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
    2. Expression that demonstrates support for criminal activity.
    3. Participation in sexually explicit photographs or videos for compensation or distribution.
c. Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
d. Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape).
e. Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
f. Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.
g. Posting, transmitting, or disseminating any photographs, digital media, or audio recordings, likenesses, or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Imperial County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1035.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Imperial County

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Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Sheriff (Government Code § 3206; Government Code § 3302):

a. Endorse, support, oppose, or contradict any political campaign or initiative.
b. Endorse, support, oppose, or contradict any social issue, cause, or religion.
c. Endorse, support, or oppose any product, service, company, or other commercial entity.
d. Appear in any commercial, social, or nonprofit publication; or any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Imperial County Sheriff's Office.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1035.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department should not require a member to disclose a personal user name or password for accessing personal social media or to open a personal social website.

1035.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or the authorized designee should consider include:

a. Whether the speech or conduct would negatively affect the efficiency of delivering public services.
b. Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
c. Whether the speech or conduct would reflect unfavorably upon the Department.
d. Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.
e. Whether similar speech or conduct has been previously authorized.

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f. Whether the speech or conduct may be protected and outweighs any interest of the Department.

1035.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

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Illness and Injury Prevention

1036.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Imperial County Sheriff's Office, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related county wide safety efforts.

1036.2 POLICY

The Imperial County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1036.3 ILLNESS AND INJURY PREVENTION PLAN

The Admininstrative Chief Deputy is responsible for developing an illness and injury prevention plan that shall include:

1. Workplace safety and health training programs.
2. Regularly scheduled safety meetings.
3. Posted or distributed safety information.
4. A system for members to anonymously inform management about workplace hazards.
5. Establishment of a safety and health committee that will:
    a. Meet regularly.
    b. Prepare a written record of safety and health committee meetings.
    c. Review the results of periodic scheduled inspections.
    d. Review investigations of accidents and exposures.
    e. Make suggestions to command staff for the prevention of future incidents.
    f. Review investigations of alleged hazardous conditions.
    g. Submit recommendations to assist in the evaluation of member safety suggestions.
    h. Assess the effectiveness of efforts made by the Department to meet relevant standards.
6. Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

1036.4 ADMINISTRATIVE CHIEF DEPUTY RESPONSIBILITIES

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The responsibilities of the Administrative Chief Deputy include but are not limited to:

1. Managing and implementing a plan to reduce the incidence of member illness and injury.
2. Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
    1. New member orientation that includes a discussion of safety and health policies and procedures.
    2. Regular member review of the illness and injury prevention plan.
    3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
3. Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
4. Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
    a. Informing members of the illness and injury prevention guidelines.
    b. Recognizing members who perform safe work practices.
    c. Ensuring that the member evaluation process includes member safety performance.
    d. Ensuring department compliance to meet standards regarding the following:
        a. Respiratory protection (8 CCR 5144)
        b. Bloodborne pathogens (8 CCR 5193)
        c. Aerosol transmissible diseases (8 CCR 5199)
        d. Heat illness (8 CCR 3395; 8 CCR 3396)
        e. Emergency Action Plan (8 CCR 3220)
        f. Fire Prevention Plan (8 CCR 3221)
        g. Hazards associated with wildfire smoke (8 CCR 5141.1)
5. Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
6. Making available the Investigation/Corrective Action Report to document individual incidents or accidents.
7. Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
8. Conducting and documenting a regular review of the illness and injury prevention plan.

1036.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

1. Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
2. Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
3. Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

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4. Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Chief Deputy
5. Notifying the Chief Deputy when:
    1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
    2. New, previously unidentified hazards are recognized.
    3. Occupational illnesses and injuries occur.
    4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
    5. Workplace conditions warrant an inspection.

1036.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Chief Deputy via the chain of command.

The Chief Deputy will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1036.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administrative Chief Deputy shall ensure that the appropriate documentation is completed for each inspection.

1036.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

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1036.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

a. A visit to the accident scene as soon as possible.
b. An interview of the injured member and witnesses.
c. An examination of the workplace for factors associated with the accident/exposure.
d. Determination of the cause of the accident/exposure.
e. Corrective action to prevent the accident/exposure from reoccurring.
f. Documentation of the findings and corrective actions taken.
g. Completion of an Investigation/Corrective Action Report form.
h. Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1036.9 TRAINING

The Administrative Chief Deputy should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

a. To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
b. To all members with respect to hazards specific to each member's job assignment.
c. To all members given new job assignments for which training has not previously been provided.
d. Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
e. Whenever the Department is made aware of a new or previously unrecognized hazard.

1036.9.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

a. Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
b. Use of appropriate clothing, including gloves and footwear.
c. Use of respiratory equipment.

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d. Availability of toilet, hand-washing and drinking-water facilities.
e. Provisions for medical services and first aid.
f. Handling of bloodborne pathogens and other biological hazards.
g. Prevention of heat and cold stress.
h. Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
i. Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
j. Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
k. Back exercises/stretches and proper lifting techniques.
l. Avoidance of slips and falls.
m. Good housekeeping and fire prevention.
n. Other job-specific safety concerns.

1036.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Anti-Retaliation

1037.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1037.2 POLICY

The Imperial County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1037.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

1037.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

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A deputy shall not be retaliated against for reporting a suspected violation of a law or regulation of another deputy to a supervisor or other person in the [Department/Office] who has the authority to investigate the violation (Government Code § 7286(b)).

1037.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Personnel Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1037.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

a. Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

b. Receiving all complaints in a fair and impartial manner.

c. Documenting the complaint and any steps taken to resolve the problem.

d. Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.

e. Taking appropriate and reasonable steps to mitigate any further violations of this policy.

f. Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

g. Periodic follow-up with the complainant to ensure that retaliation is not continuing.

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h. Not interfering with or denying the right of a member to make any complaint.

i. Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1037.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

a. Communicating to all members the prohibition against retaliation.

b. The timely review of complaint investigations.

c. Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

d. The timely communication of the outcome to the complainant.

1037.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

a. Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
b. Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
c. Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
d. File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
e. Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Administrative Investigations Unit (AIU) for investigation pursuant to the Personnel Complaints Policy.

1037.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

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The [Department/Office] shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1037.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1037.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Line-of-Duty Deaths

1038.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Imperial County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1038.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a deputy during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing assigned duties.

For a deputy, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1038.2 POLICY

It is the policy of the Imperial County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this Department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1038.3 INITIAL ACTIONS BY COMMAND STAFF

1. Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Duty Officer and Dispatch.
    a. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Press Information Officer section of this policy).
2. The Duty Officer should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
3. If the member has been transported to the hospital, the Duty Officer or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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4. The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1038.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, Duty Officer, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

a. Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
b. Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
c. Plan for concerns such as known health concerns of survivors or language barriers.
d. Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
e. When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
f. If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
g. Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
h. Assist the survivors with meeting child care or other immediate needs.
i. Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

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j. Inform the survivors of the name and phone number of theFamily Liaison (see the Family Liaison section of this policy), if known, and the Department Liaison.
k. Provide their contact information to the survivors before departing.
l. Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
m. Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Imperial County Sheriff's Office members may be apprised that survivor notifications are complete.

1038.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

a. The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
b. The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Sheriff.

1038.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1038.6 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

a. Department Liaison.
b. Hospital Liaison.

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c. Family Liaison.
d. Peer Support Liaison.
e. Funeral Liaison.
f. Mutual aid coordinator.
g. Benefits Liaison.
h. Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1038.6.1 DEPARTMENT LIAISON

The Department Liaison should be the Undersheriff or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Sheriff. The Department Liaison's responsibilities include but are not limited to:

a. Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
b. Establishing contact with survivors within 24 hours of the incident and providing them contact information.
c. Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
d. Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
e. Coordinating all official law enforcement notifications and arrangements.
f. Making necessary contacts for authorization to display flags at half-staff.
g. Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
h. Coordinating security checks of the member's residence as necessary and reasonable.
i. Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1038.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

1. Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
2. Arrange for appropriate and separate waiting areas for:
    a. The survivors and others whose presence is requested by the survivors.
    b. Department members and friends of the deceased member.
    c. Media personnel.

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3. Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Imperial County Sheriff's Officer members (except for members who may be guarding a suspect).
4. Arrange for survivors to receive timely updates regarding the member before information is released to others.
5. Arrange for survivors to have private time with the member, if requested.
    1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
    2. The Hospital Liaison should accompany the survivors into the room, if requested.
6. Stay with survivors and provide them with other assistance as needed at the hospital.
7. If applicable, explain to the survivors why an autopsy may be needed.
8. Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1038.6.3 FAMILY LIAISON

The Family Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Familyt Liaison should be selected by the deceased member's Chief Deputy. The following should be considered when selecting the Family Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Family Liaison include but are not limited to:

1. Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.

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2. Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
3. If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
4. Providing assistance with travel and lodging arrangements for out-of-town survivors.
5. Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
    1. Items should not be delivered to the survivors until they are ready to receive the items.
    2. Items not retained as evidence should be delivered in a clean, unmarked box.
    3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
    4. The return of some personal effects may be delayed due to ongoing investigations.
6. Assisting with the return of department-issued equipment that may be at the deceased member's residence.
    1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
7. Working with the Peer Support Liaison and C.O.P.S. for survivors to have access to available counseling services.
8. Coordinating with the department's Press Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Press Information Officer section of this policy).
9. Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
10. Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
11. Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
12. Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
13. Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Family Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Family Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Familyt Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1038.6.4 PEER SUPPORT LIAISON

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The Peer Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Peer Support Liaison include but are not limited to:

1. Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
    1. Members involved in the incident.
    2. Members who witnessed the incident.
    3. Members who worked closely with the deceased member but were not involved in the incident.
2. Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive peer support.
3. Making peer support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
4. Coordinating with the Family Liaison to inform survivors of available peer support and counseling services and assisting with arrangements as needed.
5. Following up with members and the Familyt Liaison in the months following the incident to determine if additional peer support or counseling services are needed.

1038.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Family Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

1. Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
2. Completing funeral notification to other law enforcement agencies.
3. Coordinating the funeral activities of the Department, including but not limited to the following:
    a. Honor Guard
        1. Casket watch
        2. Color guard
        3. Pallbearers
        4. Bell/rifle salute
    b. Bagpipers/bugler
    c. Uniform for burial
    d. Flag presentation
    e. Last radio call
4. Briefing the Sheriff and command staff concerning funeral arrangements.
5. Assigning a deputy to remain at the family home during the viewing and funeral.
6. Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.
7. Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

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1038.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

a. Traffic control during the deceased member's funeral.
b. Area coverage so that as many Imperial County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Sheriff should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1038.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

1. Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
2. Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
    1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
    2. Social Security Administration.
    3. Department of Veterans Affairs.
3. Researching and assisting survivors with application for state and local government survivor benefits, such as:
    1. Education benefits (Education Code § 68120).
    2. Health benefits (Labor Code § 4856).
    3. Workers' compensation death benefit (Labor Code § 4702).
4. Researching and assisting survivors with application for other survivor benefits such as:
    1. Private foundation survivor benefits programs.
    2. Survivor scholarship programs.
5. Researching and informing survivors of support programs sponsored by the Deputy Sheriff's Associations and other organizations.
6. Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
    1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
7. Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
8. Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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1038.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

1. Establishing methods for purchasing and monitoring costs related to the incident.
2. Providing information on finance-related issues, such as:
    1. Paying survivors' travel costs if authorized.
    2. Transportation costs for the deceased.
    3. Funeral and memorial costs.
    4. Related funding or accounting questions and issues.
3. Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
4. Providing accounting and cost information as needed.

1038.7 PRESS INFORMATION OFFICER

In the event of a line-of-duty death, the Department's PIO should be the Department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

1. Collect and maintain the most current incident information and determine what information should be released.
2. Instruct department members to direct any media inquiries to the PIO.
3. Prepare necessary press releases.
    a. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
    b. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.
4. Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.
5. Respond, or coordinate the response, to media inquiries.
6. If requested, assist the member's survivors with media inquiries.
    1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
7. Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
8. If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1038.8 DEPARTMENT CHAPLAIN

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The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1038.9 INVESTIGATION OF THE INCIDENT

The Sheriff should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1038.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1038.11 NON-LINE-OF-DUTY DEATH

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

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Wellness Program

1039.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for Imperial County Sheriff's Office members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1039.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1039.2 POLICY

It is the policy of the Imperial County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Imperial County Sheriff's Office will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1039.3 WELLNESS COORDINATOR

The Sheriff should appoint a trained wellness coordinator. The coordinator should report directly to the Sheriff or the authorized designee and should collaborate with advisers (e.g., personnel, Imperial County Sheriff's Office, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

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a. Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
    1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
    2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
b. Developing management and operational procedures for department peer support members, such as:
    1. Peer support member selection and retention.
    2. Training and applicable certification requirements.
    3. Deployment.
    4. Managing potential conflicts between peer support members and those seeking service.
    5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
    6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
c. Verifying members have reasonable access to peer support or licensed psychotherapist support.
d. Establishing procedures for CISDs, including:
    1. Defining the types of incidents that may initiate debriefings.
    2. Steps for organizing debriefings.
e. Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
f. Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
    1. Obtaining a written description of the program services.
    2. Providing for the methods to obtain program services.
    3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
    4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
    5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
g. Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
    1. The coordinator should work with appropriate department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1039.4 PEER SUPPORT

1039.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

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The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1039.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

a. Providing pre- and post-critical incident support.
b. Presenting department members with periodic training on wellness topics, including but not limited to:
    1. Stress management.
    2. Suicide prevention.
    3. How to access support resources.
c. Providing referrals to licensed psychotherapists and other resources, where appropriate.
    1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1039.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1039.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

1039.6 PEER SUPPORT COMMUNICATIONS

Although the Imperial County Sheriff's Office will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program).

1039.7 PHYSICAL WELLNESS PROGRAM

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The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including the following:

a. Voluntary participation by members
b. Allowable physical fitness activities
c. Permitted times and locations for physical fitness activities
d. Acceptable use of department-provided physical fitness facilities and equipment
e. Individual health screening and fitness assessment
f. Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
g. Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e. g., human resources, legal counsel) to verify that any standards are nondiscriminatory
h. Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
i. Ongoing support and evaluation

1039.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Sheriff for review and consideration of updates to improve program effectiveness.

1039.9 TRAINING

The coordinator or the authorized designee should collaborate with the Imperial County Sheriff's Office to provide all members with regular training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.

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- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Coordinator as appropriate for inclusion in training records.

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Facial Coverings

1040.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for all sworn personnel regarding the restriction of facial coverings when performing their duties except in limited specific circumstances (Government Code § 7289).

This policy also serves as a declaration that the Imperial County Sheriff's Office is committed to transparency, accountability, and public trust. Facial coverings are restricted as set forth in this policy.

1040.1.1 DEFINITIONS

Definitions related to this policy include:

Facial covering - Any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including but not limited to a balaclava, tactical mask, gaiter, ski mask, and any similar type of facial covering or face-shielding item.

Facial covering does not include:

- A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with this policy.
- A N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet, or device, including but not limited to air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.
- A mask, helmet, or device, including but not limited to a self-contained breathing apparatus, necessary for underwater use.
- A motorcycle helmet when worn by a deputy utilizing a motorcycle or other vehicle that requires a helmet for safe operations while in the performance of their duties.
- Eyewear necessary to protect from the use of retinal weapons, including but not limited to lasers.

1040.2 POLICY

It is the policy of the Imperial County Sheriff's Office that facial coverings shall not be worn by deputies in the performance of their duties except as set forth in this policy.

Generalized and undifferentiated fear and apprehension about deputy safety shall not be sufficient to justify the use of facial coverings.

1040.3 FACIAL COVERINGS

Facial coverings shall not be worn by deputies when performing their duties except under the following conditions:

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a. Active undercover operations or assignments authorized by a supervisor or court order
b. Tactical operations where protective gear is required for physical safety
c. Applicable law governing occupational health and safety authorizes such use (e.g., N95 masks against transmission of disease or infection, self-contained breathing apparatus against exposure to hazardous conditions)
d. Protection of identity during a prosecution proceeding
e. Applicable law governing reasonable accommodations authorizes such use

Facial coverings shall only be used when no other reasonable alternative exists, and with the approval of a supervisor. The supervisor shall document the necessity of facial coverings in the appropriate report.

A supervisor shall not knowingly allow a deputy to violate state law or department policy limiting the use of a facial covering.

1040.4 POSTING OF POLICY

The Sheriff or the authorized designee shall make this policy publicly available on the department website.

A written challenge regarding this policy shall be forwarded to the Sheriff or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.

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Visible Display of Identification

1041.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for all deputies to be readily identifiable to the public by the visible display of the department name and individual identifying information when performing enforcement duties, except in described limited specific circumstances (Government Code § 7288).

This policy also serves as a declaration that the Imperial County Sheriff's Office is committed to transparency, accountability, and public trust.

1041.1.1 DEFINITIONS

Definitions related to this policy include:

Enforcement duties - Active and planned operations involving the arrest or detention of an individual, or deployment for crowd control purposes.

Visibly display identification - To wear externally on the uniform in a size and location such as to be reasonably visible to a member of the public with whom the deputy interacts.

1041.2 POLICY

It is the policy of the Imperial County Sheriff's Office that all deputies visibly display identification when performing enforcement duties except in circumstances set forth in this policy.

1041.3 VISIBLE DISPLAY OF IDENTIFICATION

Whenever performing enforcement duties, every deputy shall visibly display identification, including the name of this department and either the deputy's name or badge number, or both name and badge number.

This requirement shall not apply under the following conditions:

a. When deputies are engaged in active undercover operations or investigative activities
b. When deputies are wearing personal protective equipment that prevents display
c. When exigent circumstances exist involving an imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence, including if the deputy is responding to those circumstances while off-duty
d. When there is a specific, articulable, and particularized reason to believe that identification would pose a significant danger to the physical safety of the deputy

1041.4 POSTING OF POLICY

The Sheriff or the authorized designee shall make this policy publicly available on the department website.

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A written challenge regarding this policy shall be forwarded to the Sheriff or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.

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Attachments

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Supplemental Hate Crime Report-Agency.pdf

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SUPPLEMENTAL HATE CRIME REPORT

☐ **Hate incident (No Crime Committed)** ☐ **Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)**

VICTIM

VICTIM TYPE

☐ **Individual**

Legal name (Last, First):

_____

Date of Birth	Age	Sex	Race

☐ **School, business or organization**

Name: _____

Type: _____

(e.g., non-profit, private, public school)

☐ **Faith-based organization**

Name: _____

Faith: _____

☐ **Other**

Name: _____

Type: _____

Address: _____

Date and time of incident:

_____

Location of incident:

_____

Date and time of report:

_____

Location of report:

_____

Agency Case #:

_____

NATURE OF CALL FOR SERVICE (check all that apply)

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
(e.g., 9/11, holy days)
☐ Association with a person or group with one or more of these characteristics (actual or perceived)
☐ Other:
_____

ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].
☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No

BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

SUPPLEMENTAL HATE CRIME REPORT

HISTORY

SUSPECT INFORMATION

Legal name (Last, First):

_____

Other Names used (AKA):

_____

Date of Birth	Age	Sex	Race

Relationship to Victim:

_____

RELATIONSHIP BETWEEN SUSPECT & VICTIM

Suspect known to victim: ☐ Yes ☐ No

Nature of relationship:

_____

Length of relationship: _____

☐ Prior reported incidents with suspect: *Total #* _____

Prior unreported incidents with suspect:

☐ Yes ☐ No ☐ Unknown

WEAPONS/FORCE

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____

Force used during incident? ☐ Yes ☐ No Type: _____

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo/video ☐ Known

RESOURCES

Resources offered at scene: ☐ Yes ☐ No

☐ Marsy's Law Handout ☐ Hate Crimes Brochure ☐ Other: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment
☐	☐	Injuries observed

Completed by	***Date***

Name/Title/ID number

Statutes and Legal Requirements.pdf

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Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Hate Crime Checklist.pdf

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HATE CRIME CHECKLIST

VICTIM

Victim Type:

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
(e.g., non-profit, private, public school)
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

Target of Crime (Check all that apply):

☐ Person ☐ Private property ☐ Public property

☐ Other _____

Nature of Crime (Check all that apply):

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

BIAS

Type of Bias
(Check all characteristics that apply):

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
(e.g., 9/11, holy days)
☐ Other: _____

Specify disability (be specific):

_____

_____

Actual or Perceived Bias – Victim's Statement:

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

If perceived, explain the circumstances in narrative portion of Report.

Reason for Bias:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Bias Indicators (Check all that apply):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

Describe with exact detail in narrative portion of Report.

HISTORY

Relationship Between Suspect & Victim:

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
If Yes, describe in narrative portion of Report

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
If Yes, describe in narrative portion of Report
Type of order: _____ Order/Case# _____

WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

OBSERVATIONS

VICTIM	SUSPECT
☐ Tattoos	☐ Tattoos
☐ Shaking	☐ Shaking
☐ Unresponsive	☐ Unresponsive
☐ Crying	☐ Crying
☐ Scared	☐ Scared
☐ Angry	☐ Angry
☐ Fearful	☐ Fearful
☐ Calm	☐ Calm
☐ Agitated	☐ Agitated
☐ Nervous	☐ Nervous
☐ Threatening	☐ Threatening
☐ Apologetic	☐ Apologetic
☐ Other observations: _____	☐ Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	☐ Yes	☐ No
Has suspect ever harmed you?	☐ Yes	☐ No
Does suspect possess or have access to a firearm?	☐ Yes	☐ No
Are you afraid for your safety?	☐ Yes	☐ No
Do you have any other information that may be helpful?	☐ Yes	☐ No

Resources offered at scene: ☐ Yes ☐ No Type: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

Paramedics at scene? ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Index/Topics

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