Table of Contents

Chapter 1 - Law Enforcement Role and Authority. 6
100 - Law Enforcement Authority. 7
102 - Sheriff - Coroner. 9
104 - Oath of Office. 10
106 - Policy Manual. 11
107 - Philosophy of Enforcement. 15

Chapter 2 - Organization and Administration. 16
200 - Organizational Structure and Responsibility. 17
203 - Function of Units. 23
204 - Departmental Directive. 61
205 - Public Relations. 62
206 - Disaster Plan. 63
208 - Training. 64
212 - Electronic Communication. 68
214 - Federal Security Clearances. 71
215 - Confidential Information. 75
216 - Staffing Levels. 76
218 - License to Carry a Concealed Weapon. 77
220 - Retiree Concealed Firearms. 90
221 - County Policy and Regulation. 92
223 - Glossary of Terms. 93

Chapter 3 - General Operations. 95
300 - Use of Force. 96
301 - Critical Incident and Administrative Reviews. 112
302 - Administrative Response Team (ART). 118
303 - Department Media. 121
305 - Flying While Armed. 123
306 - Hobble Restraint. 125
307 - Hate Crimes. 129
308 - Unmanned Aerial Vehicle (UAV). 143
309 - Conducted Energy Device (CED) - Taser 10. 153
310 - Shooting Incidents. 160
311 - Juvenile Matters. 166
312 - Conducted Energy Device (CED) - Taser X26. 167
313 - Vice Conditions. 173
314 - Vehicle Pursuits. 174
315 - Animal Problems. 188
316 - Response to Calls. 190
317 - Victim Confidentiality. 194
318 - Canine Program. 195
319 - Incident Command System (ICS) and National Incident Management System (NIMS) Training. 218

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320 - Terrorism Liaison Program. 221
321 - Tire Deflation Device. 224
322 - Department Incident Management Teams (IMT). 225
323 - Mobile Field Force. 235
324 - Temporary Custody of Juveniles. 252
325 - Firearm Safety. 256
326 - Department Operations Center (DOC). 257
327 - Cite and Release Policy for Misdemeanor Non-Warrant (Street) Arrests. . . . 261
328 - Prohibition on Harassment and Discrimination. 264
329 - Issuance of Order. 268
330 - Prohibition on Abusive Conduct. 269
331 - Sheriff's Response Team (SRT). 273
333 - Member Involved Death or Serious Injury. 278
335 - FLSA Employee Notice and Acknowledgement. 279
336 - Electronic Communications Policy. 282
338 - Report Preparation. 295
339 - Gun Violence Restraining Order. 298
340 - News Media Relations. 302
341 - Emergency Pings and Ex-Parte Court Orders. 308
342 - Special Weapons and Tactics (SWAT). 311
343 - Crisis Negotiations Team (CNT). 316
347 - Disciplinary Policy. 319
348 - Reserve Deputy Sheriff Program. 322
352 - Department Computer Use. 331
358 - Major Incident Notification. 336
368 - Limited English Proficiency Services. 338
374 - Biological Samples. 345
375 - Transgender Policy. 348
380 - Handguns. 351
381 - Shotgun. 361
382 - Patrol Rifle. 363
384 - Less Lethal. 367
385 - Long Range Acoustic Device (LRAD). 373
386 - Armored Tactical Tractor. 375

Chapter 4 - Patrol Operations. 378

402 - Bias Free Policing. 379
403 - Racial and Identity Profiling Act (RIPA). 383
404 - Anti-Reproductive Rights Crimes Reporting. 389
406 - Elder and Dependent Adult Abuse. 392
407 - Behavioral Health Intervention Incidents. 400
408 - Homeless Outreach and Liaison. 405
409 - Psychiatric Evaluation and Commitments. 411
410 - Ride-Along Program. 418
414 - Immigration Violations. 425
415 - School Resource Officer Program. 429
424 - Portable Audio/Video Recorders. 436

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430 - Public Safety Video Security Systems. 441
447 - Body Worn Camera & In-Car Video Systems. 446
458 - Foot Pursuit Policy. 458
463 - Automated License Plate Readers (ALPRs) Usage and Privacy Policy. . . . 462
490 - Naloxone Policy. 469

Chapter 5 - Traffic Operations. 472
501 - Traffic Collision Review Board (TCRB). 473
502 - Traffic Collision Reporting. 478
514 - Impaired Driving and Evidence Collection. 482
520 - Disabled Vehicles. 486

Chapter 6 - Investigation Operations. 488
600 - Facial Recognition System. 489
605 - Extraditions. 501
608 - Informants/Sources of Information. 504
609 - U Visa and T Visa Certification Policy. 520
610 - Cellular Site Simulator Usage & Privacy. 525
613 - Disclosing Potential Brady Information to the Prosecution. 532

Chapter 7 - Equipment. 537
700 - Departmental Purchase of Firearms. 538
702 - Personal Communication Devices. 539
703 - Executive Order 13688 - Federally Controlled Equipment. 542
706 - Vehicle Use Policy. 546
711 - Military Equipment. 552

Chapter 8 - Support Services. 556
801 - Departmental Report Distribution. 557
802 - Property and Evidence. 561
805 - Records Maintenance and Release. 574
803 - Narcotics Analyzer. 583
807 - CopLogic On-line Reporting. 586
814 - Discovery Requests. 588
815 - Legal Hold Policy. 589

Chapter 9 - Custody. 595
900 - Alternative to Confinement. 596
901 - Early Release from Custody in an Emergency. 605
902 - Inmate Safety Checks. 607
903 - Inmate Suicide Prevention. 612
912 - Escapes. 624

Chapter 10 - Personnel. 632
1001 - Code of Professional Conduct and Responsibility for Peace Officers. . . . 633
1004 - Advancements and Promotions - Law Enforcement Series. 641

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1006 - Grievance Procedure. 644
1010 - Reporting of Member Convictions or Restrictions. 646
1011 - Drug Testing. 650
1012 - Alcohol and Drug Use. 655
1013 - Assignments, Shift Changes, Intra-Departmental Transfers, and Breaks in Service. 657
1014 - Military Leave - Compensation Rules. 658
1016 - Bloodborne Pathogens Exposure Control Plan. 661
1018 - Rules of Conduct - General. 677
1022 - Seat Belt Procedure. 690
1019 - Rules of Conduct - Commissioned Personnel. 692
1020 - Personnel Complaint Procedure. 694
1024 - Body Armor. 699
1026 - Personnel Files. 702
1027 - Employee Performance Files. 705
1030 - Employee Commendations. 707
1031 - The Gold Star Program. 709
1032 - Fitness for Duty. 711
1033 - Peer Support and Assistance Program. 713
1034 - Member Wellness. 718
1038 - Overtime. 720
1040 - Secondary Employment. 724
1044 - Grooming Standards. 728
1045 - Lactation Break Policy. 735
1046 - Uniform and Equipment. 737
1049 - Emergency Notifications. 753
1050 - Nepotism and Conflicting Relationships. 754
1052 - Department Badge(s) / Identification Card. 757
1053 - Retirement and Separation. 761
1054 - Modified Duty Assignments. 767
1055 - Social Media. 770
1058 - Employee Speech, Expression and Social Networking. 776
1059 - Facial Coverings. 780

Chapter 11 - Coroner. 782
1100 - Evidence. 783
1101 - Identification. 787
1102 - Property. 792
1103 - Next-of-Kin. 796
1104 - Unidentified Persons. 798
1105 - Field Responses. 802
1106 - Reportable Deaths. 805
1107 - Classification of Death. 806
1108 - Livescan. 807
1109 - CME Database. 810
1110 - Suicide Notes. 812
1111 - Contagious Diseases. 813

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1112 - Outside Agency Death Notifications. 814
1114 - Autopsy Attendance. 815
1115 - Private Autopsy. 816
1116 - Religious Objection to Autopsy. 818
1117 - Autopsy Consideration. 820
1118 - Transportation, Body Removal, and Recovery of Parts. 821
1119 - Reporting of Carcinoma. 822
1120 - Coroner Investigation (CI) Reports. 823
1121 - Child Deaths. 825
1122 - Indigent and Unclaimed Remains. 827
1123 - Foreign National Deaths. 829
1124 - Gender Identity. 830
1126 - Medical Records. 832
1131 - Records Release. 833
1132 - Photographs. 835
1133 - Toxicology Request. 837
1134 - Specimen Retention and Discard. 839
1135 - Public Administration Case Referral. 841
1136 - Trauma at Autopsy. 842
1139 - Postmortem X-Rays and Equipment. 843
1144 - Death Certificates. 845
1145 - Sign-Out No Autopsy (SONA) Cases. 847
1151 - Organ Procurement. 850
1152 - Handling of Bone/Tissue Specimens. 852

Attachments. 854
ICS 204-Division Unit-Assignment List.JPG. 855
Supplemental Hate Crime Report-Agency.pdf. 856
Military Equipment Inventory.pdf. 857
Hate Crime Checklist.pdf. 858
Statutes and Legal Requirements.pdf. 859
ICS 214-UNIT LOG.JPG. 860
OCSD- Supplement_Hate_Crime_Report.pdf. 861

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This Department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Sworn Members of this Department shall be considered peace officers pursuant to Penal Code § 830.1(Deputy Sheriff), 830.35(Deputy Coroner) and 830.6(Reserve Deputy).

The authority of any such peace officer extends to any place in the State of California, as follows:

1. As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or
2. Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give such consent, if the place is within a county; or
3. As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense (Penal Code § 830.1).

The authority of any deputy coroner extends to any place in the State of California for the purpose of performing their primary duty or when making an arrest pursuant to Penal Code § 836 as to any public offense with respect to which there is immediate danger to person or property, or the escape of the perpetrator of that offense (Penal Code § 830.35.).

The authority of reserve deputies is governed by Penal Code § 830.6 and 832.6.

100.2.1 SHERIFF'S SPECIAL OFFICER POWERS

A Sheriff's Special Officer is a public officer, employed by the Sheriff-Coroner of Orange County. His/Her primary duty is the security of locations or facilities as directed by the Sheriff-Coroner (Penal Code § 831.4.).

1. A Sheriff's Special Officer is authorized to write citations for infractions.
2. A Sheriff's Special Officer may arrest a person without a warrant whenever the Sheriff's Special Officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the presence of the Sheriff's Special Officer that is a violation of a statute or ordinance that the Sheriff Special Officer has the duty to enforce (Penal Code § 836.5(a); Orange County Codified Ordinance 1-2-127(a)). The statutes and ordinances that a Sheriff's Special Officer has the duty to enforce are the State of California codes, the Codified Ordinances of the County of Orange and the municipal codes of the cities in which county buildings or facilities are located where the Sheriff's Special Officer provides security. (Orange County Codified Ordinance 1-2-127(b)). In making an arrest, the Sheriff's Special Officer will prepare a citation and release the arrestee for the misdemeanor in accordance with Penal Code section 853.6. If the

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arrestee demands to be taken before a magistrate or the arrestee does not qualify for citation and release under Penal Code § 853.6, the Sheriff's Special Officer will request a peace officer to take the person into custody for transport to jail. (Orange County Codified Ordinance 1-2-127(c)).

100.3 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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Sheriff - Coroner

102.1 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.

102.1.1 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

104.1 PURPOSE AND SCOPE

Deputies of this Department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.1.1 OATH OF OFFICE

Upon employment, 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.

104.1.2 DEPARTMENT OATH OF OFFICE

I, (individual will state 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 reservations or purpose of evasion, and that I will well and faithfully discharge the duties upon which I am about to enter.

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Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Orange County Sheriff-Coroner Department is hereby established and shall be referred to as "The OCSD Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this Department. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized, however, that police work 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.

All Members are to conform to the provisions of this manual. Members assigned to a task force or multi-agency operation are to conform to the provisions of this manual as well as any Memorandum of Understanding and additional policies and procedures required by the task force or multi-agency operation. If any provision of a Memorandum of Understanding or policy or procedure of the task force or multi-agency operation conflicts with this policy manual, the Member shall immediately notify his/her task force supervisor and his/her Department supervisor.

106.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the Sheriff. Since it is not practical for the Sheriff to prepare and maintain the manual, the following delegations have been made:

106.2.1 SHERIFF

The Sheriff shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Departmental Directives which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.2.2 EXECUTIVE STAFF

Staff shall consist of the following:

1. Undersheriff
2. The Assistant Sheriff or Executive Director from each Command
3. Constitutional Policing Advisor

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

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106.2.3 OTHER PERSONNEL
All Department Members suggesting revision to the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander/Director who shall consider the recommendation and forward to the Professional Services Command, S.A.F.E. Division.

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

106.3.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the manual:

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

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

Accountability: The state of being held answerable for the proper performance of a duty or function.

Adult: Any person 18 years of age or older.

Bureau: A subordinate unit of a Command that is assigned the responsibility for the performance of a particular tasks.

CHP: California Highway Patrol.

Commissioned Personnel: The deputized Member of the Department (Deputy Sheriffs, Deputy Coroners and Reserve Deputies) and Public Officers (Sheriff Special Officer).

County: The County of Orange.

Department Directive: Applies to Organization of Command, Chain of Command, and Operational Command.

Department/OCSD: The Orange County Sheriff-Coroner Department.

Deputy: A commissioned Member who is a peace officer as defined in the Penal Code regardless of rank or gender, whether permanently or temporarily employed (This includes reserves and extra help deputies where applicable).

Deputy Coroner: To conduct investigations to determine circumstances, manner, cause of death and identity of decedent coming under the Sheriff-Coroner's jurisdiction.

DMV: The Department of Motor Vehicles.

Employee/Personnel - Any person employed by the Department.

Juvenile: Any person under the age of 18 years.

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Manual: The Orange County Sheriff-Coroner Department Policy Manual.

Member: All persons who are employed by the Sheriff's Department and shall include sworn deputies and professional (non-sworn) employees. This includes reserve deputies and volunteers.

Deputy/Sworn: Those Members, regardless of rank, who are PC830.1 Members of the Orange County Sheriff-Coroner Department.

On-Duty: Member status during the period when he/she is actually engaged in the performance of his or her assigned duties.

Order: An instruction either written or verbal issued by a superior.

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

Rank: The title of the classification held by a deputy.

Shall (or will): Indicates a mandatory action.

Should (or may): Indicates a permissive or discretionary action.

Sheriff Special Officer (SSO): A commissioned public officer employed by the Sheriff to exercise duties (per PC 831.4 and 836.5 and Orange County Codified Ordinance 1-2-127) as delegated by the Sheriff-Coroner in accordance with Departmental policies and regulations.

106.3.3 DISTRIBUTION OF MANUAL
Copies of the Policy Manual shall be distributed to the following:

1. Division Commander
2. Department Commander

An electronic version of the Policy Manual (Lexipol) shall be posted on the Sheriff's Department network for access by all Members.

It is accessible through the OCSD Intranet Home Page under the "Knowledge Center", "Resources", "Policy and Procedure Manuals" tabs. Each Member requires a "User Name" and "Password" to access the Policy Manual (Lexipol). No changes shall be made to the electronic version without authorization.

106.4 INITIAL MANUAL ACCEPTANCE

As a condition of employment, all Members are required to read and obtain necessary clarification of this Department's policies.

The Professional Standards Division provides all new Members a "Policy Manual Verification Acknowledgement Form" as well as instructions on how to access the Policy Manual (Lexipol). After reading and becoming familiar with each individual policy and/or the entire manual, each Member is responsible for acknowledging acceptance of those policies through an electronic statement of receipt. This is accomplished by depressing the "Acknowledge" button provided within each policy or the manual as a whole.

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106.4.1 REVISIONS TO POLICIES REVISION ACCEPTANCE

Throughout the year, Executive Command informs all Members of new policies and of policy revisions by means of a "Policy Manual Updates" memo forwarded by the S.A.F.E. Division. Those new and/or revised policies become current and effective the date that the memo is released. It is each Member's responsibility to become familiar with all policy changes within the "Orange County Sheriff Department Policy Manual" by accessing (Lexipol), reading each new or revised policy, and acknowledging his/her acceptance of those policies through an electronic statement of receipt. This is accomplished by depressing the "Acknowledge" button provided within each policy.

Simply reading a PDF Version of any new policy or policy revision is not sufficient proof for Member acknowledgement. Only by logging into Lexipol and supplying the electronic statement of receipt can the Member fulfill acknowledgment.

**Note: The Lexipol acknowledgement reads as follows: "I hereby acknowledge I have been provided access to this new or updated policy and understand it is my responsibility to review, become familiar with and comply with all provisions contained therein. I further acknowledge that if I have questions about or do not fully understand any portion of this policy I shall seek clarification from my supervisor.

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Philosophy of Enforcement

107.1 PURPOSE AND SCOPE

Each deputy is vested with the legal authority of the Sheriff-Coroner and is charged with the responsibility of serving the community by preserving the peace, protecting life and property, enforcing laws and ordinances, preventing and detecting criminal activity, investigating offenses and apprehending offenders.

107.1.1 MEMBER RESPONSIBILITY

Deputy Sheriffs, Sheriff's Special Officers, and Sheriff Community Services Officers are expected to exercise good judgment and discretion in the performance of their duties and responsibilities, and must follow departmental rules, regulations, and procedures in all applicable situations. They must fulfill their responsibilities with consideration, self-control, impartiality, and honesty.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 ORGANIZATION OF COMMAND

In order to permit the delegation of authority, the lines of control, placing of responsibility, supervision of operations, and coordination of effort are hereby established.

200.2 UNITY OF COMMAND

The Department shall adhere to the principles of Unity of Command, where each individual, team, and/or incident is under the direct command of one person. Unity of Command holds that a Member should only be answerable to one person.

200.3 CHAIN OF COMMAND

All official communications of the Department shall be confined to official channels. Except in exigent circumstances, the chain of command shall be followed.

The order of chain of command of authority within the Department is as follows:

1. Sheriff-Coroner
2. Undersheriff
3. Assistant Sheriff/Executive Director
4. Commander/Director/Chief Deputy Coroner
5. Captain//Police Services Chief/Assistant Chief Deputy Coroner/Assistant Director
6. Lieutenant/Manager
7. Sergeant/Supervisor/Supervising Deputy Coroner

200.4 OPERATIONAL COMMAND

1. In the absence of the Sheriff-Coroner, the responsibility for the command of the Department shall descend to the Undersheriff.
2. In the absence of the Sheriff-Coroner and the Undersheriff, the responsibility for the command of the Department shall descend to the Assistant Sheriffs.
3. In the absence of the Sheriff-Coroner, Undersheriff and the Assistant Sheriffs, the responsibility for the command of the Department shall be assigned by the Sheriff-Coroner.

200.5 AUTHORITY AND RESPONSIBILITY

Each Member assigned an area of responsibility shall have authority commensurate with his/her responsibility.

200.6 TEMPORARY SUPERVISORY ASSIGNMENTS

Members temporarily performing the duties of a superior in an acting capacity shall be vested with the authority and responsibilities of that position. Said Members shall not interfere with, countermand, or modify the orders previously issued by the superior, except in an emergency.

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200.7 EXERCISE OF AUTHORITY

Ranking deputies shall exercise their authority under all conditions in the best interests of the Department.

200.8 SUPERVISORY RESPONSIBILITIES

1. Supervisors are responsible and held accountable for the actions, conduct, and performance of subordinates and the operation of their unit. Supervisors shall train all subordinates to properly carry out their duties and obligations. They should do this through instruction, guidance, and development of sound operating procedures.
2. Supervisors shall set a proper example for subordinates to follow and shall strive to assist them. Supervisors shall promote and maintain a high level of morale. Supervisors shall be aware of the level of performance of subordinates and shall fairly and impartially evaluate them, in accordance with county and Departmental instructions.
3. A primary responsibility of a supervisor is to support the actions of a subordinate where such actions are in conformance with good law enforcement procedures and policy.
4. On duty field supervisors, whether assigned to unincorporated areas or a contract city, shall report any unusual or significant event directly to the on duty Department Commander. Secondary notifications to contract city Police Services Chiefs shall also be made when appropriate.

200.9 DELEGATION OF RESPONSIBILITY

While supervisors may delegate their responsibility for the performance of duties and functions to subordinates, they cannot delegate their accountability.

200.10 SENIORITY

When a question of seniority arises, such seniority shall be determined by the appropriate Memorandum of Understanding (MOU). In the absence of an MOU definition, seniority shall be determined by continuous, full time service as a regular Department Member.

When two or more Members are working together on the same assignment or detail and are of equal rank or grade, such seniority shall not be exercised except in an emergency necessitating it, unless one Member has been designated by competent authority as being in command.

200.11 COMMANDS AND DIVISIONS

The Sheriff-Coroner is responsible for the administration and management of the Orange County Sheriff-Coroner Department. There are five (5)Commands and twenty four (24) Divisions in the Sheriff-Coroner Department.

They are as follows:

- Executive Staff
    - Public Affairs & Community Engagement Division

1. Administrative Services Command

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(a) Financial/Administrative Services Division

(b) Research & Development Division

(c) Technology Division

2. Custody Operations Command

(a) IRC/Transportation Division

(b) Central Jails Division

(c) Theo Lacy Division

(d) James A. Musick Division

(e) Inmate Services Division

3. Patrol Operations Command

(a) North Operations Division

(b) Southeast Operations Division

(c) Southwest Operations Division

(d) Transit Operations Division

4. Investigations & Special Operations Command

(a) Investigations Division

(b) Crime Lab Division

(c) Coroner Division

(d) Emergency Management Division

(e) Special Operations Division

(f) Operations Support & Intelligence Division

5. Professional Services Command

(a) Professional Standards Division

(b) SAFE Division

(c) Training Division

(d) Records Division

(e) Court Operations Division

200.12 COMMAND RESPONSIBILITY

1. EXECUTIVE STAFF

(a) The Executive Staff is commanded by the Undersheriff whose responsibility is to provide general management, direction, and oversight of the Department's five (5) commands.

2. ADMINISTRATIVE SERVICES COMMAND

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(a) The Administrative Services Command is commanded by an Executive Director whose primary responsibility is to provide general management, direction, and control for communications, technology, research & development, and financial related services.

3. CUSTODY OPERATIONS COMMAND

(a) The Custody Operations Command is commanded by an Assistant Sheriff whose primary responsibility is to provide general management, direction, and control for jail related operations at the Sheriff's Department's five jail facilities, to include inmate services for all jail facilities.

4. PATROL OPERATIONS COMMAND

(a) The Patrol Operations Command is commanded by an Assistant Sheriff whose primary responsibility is to provide general management, direction, and control for field related operations, to include Orange County Transit Authority.

5. INVESTIGATIONS & SPECIAL OPERATIONS COMMAND

(a) The Investigations & Special Operations Command is commanded by an Assistant Sheriff whose responsibility is to provide general management, directive, and control for investigative related services and bureaus within the Special Operations Division.

6. PROFESSIONAL SERVICES COMMAND

(a) The Professional Services Command is commanded by an Assistant Sheriff whose primary responsibility is to provide general management, direction, and control for administrative functions,training related services, and court operations.

200.13 DUTIES AND RESPONSIBILITIES OF OFFICERS

200.13.1 SHERIFF-CORONER

The Sheriff-Coroner, as a constitutional officer, is the Chief Law Enforcement Officer of the county and the Chief Executive Officer of the Department. The Sheriff is the final authority in all matters of Departmental policy, operations, and discipline. The Sheriff exercises all lawful powers of the office and issues such orders as are necessary to assure the effective operation of the Department.

By law, the Sheriff is charged with the responsibility for the preservation of the peace within the county through the enforcement of all laws and ordinances; the prevention and suppression of affrays, breaches of the peace, riots and insurrections and for the investigation of offenses committed in his/her jurisdiction. The Sheriff is charged with the maintenance and operation of the county jail system and the custody of all prisoners confined therein.

It is the duty of the Coroner to inquire into and determine the circumstances, manner, medical cause of death and classification of all violent, sudden unexplained, unusual deaths, and deaths wherein the attending physician has not been in attendance for 20 days prior to death or is unable to certify the medical cause of death.

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200.13.2 UNDERSHERIFF

The Undersheriff reports directly to the Sheriff and is responsible for the operational oversight of the entire Sheriff's Department. The Undersheriff assumes duties of the Sheriff of Orange County in the absence of the Sheriff.

200.13.3 ASSISTANT SHERIFF/EXECUTIVE DIRECTOR

Assistant Sheriffs/Executive Directors are subordinate to the Sheriff-Coroner and Undersheriff. In the absence of the Sheriff-Coroner and Undersheriff, they are responsible to carry out all the duties and responsibilities of the Sheriff-Coroner. They are accountable to the Sheriff-Coroner for the efficient and orderly operation of the Department.

Assistant Sheriffs/Executive Directors are responsible for the fulfillment of all Department objectives and for the enforcement of all policies, orders, rules and regulations of the Sheriff-Coroner. They are accountable for the maintenance of discipline, as well as overall Department efficiency and morale.

The Assistant Sheriffs/Executive Directors shall investigate or cause to be investigated all complaints of laxity or misconduct on the part of Members of the Department and make recommendations to the Sheriff-Coroner of such disciplinary measures deemed necessary and appropriate.

The Assistant Sheriffs/Executive Director are responsible for the planning, directing, coordinating and controlling of all activities of the Department and shall formulate rules and procedures necessary to carry out the policies and directives of the Sheriff-Coroner.

200.13.4 COMMANDER/DIRECTOR/CHIEF DEPUTY

A Commander is subordinate to an Assistant Sheriff or Executive Director. Commanders provide direct support to an Assistant Sheriff or Executive Director. Commanders are responsible for ensuring that commands under their control are meeting Department and command standards of operation.

200.13.5 CAPTAIN/POLICE SERVICES CHIEF/ASSISTANT CHIEF DEPUTY CORONER

A Captain/Police Services Chief/Assistant Chief Deputy Coroner is subordinate to a Commander. A Captain/Police Services Chief/Assistant Chief Deputy Coroner plans, organizes, controls and directs the work of a division, including contract cities, of the Sheriff-Coroner Department.

200.13.6 LIEUTENANT/MANAGER

A Lieutenant/Manager has charge of and manages the activities of a major subdivision, facility, or function of the Sheriff-Coroner Department.

200.13.7 SERGEANT/SUPERVISOR

Sergeants/supervisors supervise the work of law enforcement officers and professional staff engaged in general or specialized law enforcement and related activities. Sergeants/supervisors are charged with the supervision of auxiliary law enforcement activities or functions.

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200.13.8 INVESTIGATOR

An investigator is responsible for the investigation of all assigned cases. An investigator's function is to determine all facts possible relating to the case and may include identifying persons guilty of the commission of an offense.

200.13.9 DEPUTY SHERIFF

The deputy is the first line representative of the Sheriff-Coroner Department.Deputies must conduct all contacts with the public in a manner conducive to good public and community relations. Deputies may be called on to perform a wide variety of assignments under many different circumstances and to assist the citizenry in a variety of non-criminal capacities.

200.13.10 SHERIFF'S SPECIAL OFFICER

Sheriff's Special Officers are first line representatives of the Sheriff-Coroner Department. The Sheriff's Special Officer must conduct all contacts with the public in a manner conducive to good public and community relations.

A Sheriff's Special Officer's primary duty is the security of locations or facilities as directed by the Sheriff.

A Sheriff's Special Officer may carry or possess a firearm, baton, and other safety equipment and weapons authorized by the Sheriff while performing the duties authorized in this section.

A Sheriff's Special Officer is authorized to write citations for infractions and cite-and-release misdemeanors committed in the presence of the Sheriff's Special Officer (Orange County Codified Ordinance 1-2-127).

Sheriff's Special Officers are not authorized under the law to make custodial arrests. See Policy 100.2.1 Sheriff's Special Officer Powers for further details.

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Function of Units

203.1 ADMINISTRATION COMMAND

203.1.1 PUBLIC AFFAIRS & COMMUNITY ENGAGEMENT

The Public Affairs and Community Engagement Division (PACE) is responsible for providing the public with honest and transparent communication and contemporary public safety and drug education. PACE aims to build and maintain the Orange County Sheriff's Department's strong reputation by developing mutually beneficial partnerships and serving as the primary liaison between the community and the media. PACE is made up of several collaborative groups known as Community Engagement and Public Affairs.

There are two core sections within the Division, each with specific functional responsibilities:

1. **Community Engagement**

    (a) Community Engagement acts as the frontline in educating residents on matters critical to public safety. With leading-edge drug education programming for both students and families and presentations that cover a variety of timely and relevant topics of community interest, Community Engagement is focused on direct outreach to the communities the Sheriff's Department serves.

2. **Public Affairs**

    (a) Is responsible for engaging our stakeholders and providing honest and transparent communication, aimed at building and maintaining the Department's strong reputation by developing mutually beneficial partnerships with the media and non-governmental agencies. This office consists of the following:

        1. ***Community Relations*** - Serve as the nonprofit liaison for the Department, coordinates county-wide community relations efforts and promotes OCSD as a committed community partner.

        2. ***Media and Public Relations*** - Public Relations is responsible for strategically managing the communication process that builds mutually beneficial relationships between OCSD and its stakeholders. Public Relations focuses on the proactive, positive promotion of OCSD's programs and services and public education through traditional media, video production and social media. Media Relations is responsible for the handling of media inquiries and the dissemination of honest, transparent, and timely communications to the citizens of Orange County, while being mindful of public safety, news outlet deadlines, and the limitations of Department resources.

203.2 ADMINISTRATIVE SERVICES COMMAND

203.2.1 FINANCIAL/ADMINISTRATIVE SERVICES DIVISION

The Financial Services Division provides financial operations, administrative, and law enforcement contract services through management of specialized functions for the Sheriff Coroner

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Department. Providing quality financial and administrative support to front-line public safety services and ensuring the financial integrity of the Sheriff's Department. Striving for excellence when providing the following services:

1. **Financial Operations Section**

    (a) The Financial Operations Section provides financial support services for the Sheriff Coroner's Department. These responsibilities include administration of trust funds; accounts payable and receivable; general accounting control; grant administration including preparation of grant financial claims and reports; processing of petty cash and travel; tuition and mileage reimbursements.

2. **Budget & Asset Management Sections**

    (a) The Budget Section is responsible for administrative support to the Sheriff-Coroner Department. These responsibilities include budget preparation; expenditure projections control and analysis; development of Five-Year Strategic Financial Plan; analysis of annual State Budgets and special projects. The Asset Management team coordinates department inventory control and asset management.

3. **Purchasing Section**

    (a) The Purchasing Section is responsible for purchasing all materials, supplies, furnishings, equipment, livestock, and other personal property required by the Department. The Section also negotiates and executes all professional service contracts, all consultant services contracts, and all equipment contracts, lease purchase agreements, and human services agreements. In addition, Purchasing approves and confirms emergency purchases, develops contracts for commodities and/or services required on an as needed basis, and maintains a procurement system that is fair, effective and efficient.

4. **Jail Cashiering Section**

    (a) The Jail Cashiering Section handles and maintains all inmate funds, processes bail and bond transactions and purchases of jail commissary items.

5. **Payroll Section**

    (a) The Payroll Section is responsible for processing daily payroll data and ensuring all department employees are paid accurately and timely.

6. **Supply/Reproduction Detail Section**

    (a) The Supply Detail Section provides a central area of responsibility in the ordering, receiving, inventory, storage, distribution of supplies and the ordering and/or reproduction of forms and business cards used by the Sheriff-Coroner's Department. The Supply Detail also delivers and picks up mail for the department.

7. **Law Enforcement Contract Section**

    (a) The Law Enforcement Contract Section is responsible for the development and administration of law enforcement services contracts. This Section collaborates

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with various Divisions within OCSD, County agencies including County Counsel and Health Care Agency, as well as other outside Federal, State, and city entities.

8. **Real Property Section**

    (a) The Real Property Section provides comprehensive real property services to all Sheriff-Coroner Department. These services include real estate planning, acquisition and property management tasks to meet department-wide operational needs.

9. **Cost/Audit Section**

    (a) The Cost/Audit Section is responsible for developing cost studies for law enforcement services including contract cities and Orange County Transit Authority; cost applies for other County agencies; and other special rates and fees. This Section also coordinates all internal and external audits for OCSD as well as conducting internal reviews of the Department. The primary goal of the audit team is to ensure established procedures are followed and the Sheriff-Coroner's Department assets are being safeguarded.

10. **Agenda Staff Reports Section**

    (a) The ASR Section is responsible for coordinating the completion of ASRs which are prepared with Division input and processed centrally by the ASR Section for all Department issues requiring Board of Supervisors' approval. The Section also coordinates all financial related California Public Record Act (CPRA) requests.

203.2.2 RESEARCH AND DEVELOPMENT DIVISION

The Research & Development Division (R&D) develops and maximizes the resources necessary to advance law enforcement objectives and department goals through cost-effective, innovative opportunities and partnerships. R&D facilitates and manages department-wide construction and facility maintenance, manages fleet vehicles, procures available state and federal equipment, and purchases/issues uniforms and law enforcement equipment to department personnel.

There are three core sections within R&D, each with specific functional responsibilities:

1. **Facilities Planning**

    (a) Project Administration

        (a) Project Administration handles the overall management and coordination of all disciplines and project components as detailed below: Detailed design, review,and construction cost-estimates for small (purchase order type)and large (Board Awarded capital) projects Development of comprehensive scopes of work for the architect-engineer (A-E) and a clear comprehensive description of the Public Works construction project. Preparation and control of the overall project budget, assuring adherence to all appropriate federal, state and local codes and ordinances as well as compliance with all appropriate standards and rules imposed by the authorities having jurisdiction (AHJ). Development of the project bid package, assuring that all appropriate reviews and approvals have been

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secured, validating the apparent low bidder's credentials and assuring that all County requirements have been met. Verification of California Environmental Quality Act (CEQA) compliance and development of requirements, such as Environmental Impact Reports (EIRs) and National Pollutant Discharge Elimination System (NPDES) reports. Agenda Staff Reports (ASRs) and policy/procedures management process mapping, project progress reporting and project prioritization.Verification that all project activities are within the requirements of the County's Design and Construction Procurement Policy Manual (DCPPM).

(b) A-E Contract Management

(a) Negotiates a scope of work and fee agreement with the architect-engineer (A-E), coordinates design reviews with the A-E and the customer, monitors the progress of the design activity and reviews/approves the plans and specifications. Responsibilities also include coordinating punch list activity with the A-E and the general contractor.

(c) Construction Management

(a) Conducts pre-bid, pre-construction, pre-grading, construction progress and construction closeout meetings along with any special or impromptu meetings that are necessary. Works closely with the construction general contractor and County inspectors to ensure that the construction schedule is being adhered to and specification requirements are being met. Tasks include regular construction site visits, thorough documentation of progress, and project cost and schedule control.

(d) Plans/Document Management

(a) Maintains documentation on all Sheriff's facilities and completion records for all R&D projects. Forwards planning activities, what-if studies, analytical comparisons and support to future budget planning.

2. **Facilities Operations**

Provides facility maintenance, regulatory compliance management, and contract management to support the Sheriff Department's 56 facilities. Ensures compliance with legal requirements set forth in various administrative codes and regulations.

(a) Maintenance Planning Unit

1. A team of maintenance planners order repair parts and materials needed for each job in advance, preparing a "ready to work" job schedule for each maintenance shop. Maintenance shop supervisors and maintenance planners combine their efforts to prioritize and schedule the workload for each upcoming week or maintenance cycle.

(b) Maintenance Control Center

1. Provides the point of contact for customer maintenance requests and the daily upkeep and administration of the computerized maintenance management database. Work orders, materials requisitions, and a wide variety of reports

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are produced regularly using specialized software. The Maintenance Control Center also provides general clerical support for Facilities Operations including timekeeping, maintenance of document files and daily work order processing. This unit also handles all contract services and compliance duties related to the physical plant operations of all facilities.

(c) Maintenance Shops Units

1. The Maintenance Shops Units are divided into two areas. Each area is overseen by a Craft Supervisor II and each shop has an assigned Craft Supervisor I and a Shop Planner. One shop area combines responsibility for the Central Jail Complex and the External Support Shop. The External Support Shop is not site specific. This shop is responsible for the Locksmiths, Metalsmiths, Carpenters and Environmental Control Technician. The second shop area includes the James A. Musick Facility and the Theo Lacy Jail Facility. Along with the CJX shop, these shops perform in-house predictive maintenance, preventive maintenance and demand repair services for a variety of specialized buildings and facilities.

(d) Compliance Management Unit

1. Facilitates mandated inspections, environmental protection, safety, and fiscal responsibilities related to maintaining the operating systems of Departments buildings. A full-time Administrative Manager coordinates resources from other Facilities Operations Units who contribute to the accomplishment of technical maintenance responsibilities mandated by Federal, State and local Regulatory Agencies. This unit performs critical support and compliance functions.

(e) Budget Planning and Tracking

1. Coordinates the development of the annual budget plan and monitors expenditures throughout the budget cycle for the R&D Division.

(f) Regulatory Compliance

1. Mandates include documentation and initiation of air quality control actions, combustion equipment inspections and permitting, Fire/Life/Safety maintenance and inspections, vertical transportation maintenance, underground storage tank permitting and inspections, storm water runoff control inspections and workplace safety inspections. The unit also serves as a checkpoint for compliance with purchasing regulations and internal business rules.

(g) Contract Management

1. Ensures that Facilities Operations meets the accountability standards defined in the County's Contract Policy Manual and the Sheriff-Coroner's expectation of transparency in the conduct of Department business. A full-time contract services supervisor oversees approximately 80 contracts covering a wide range of specialized maintenance services, parts, and supplies. Assisted by a Craft Supervisor I and a Maintenance Planner, the work of contractors is monitored and documented by this unit to ensure the quality and value of services provided.

(h) Division Safety Training Program

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1. A division-wide training program addresses mandated safety training, job knowledge and trade skills required for the work environment, and professional development goals for each R&D employee. Responsibilities include facilitating a combination of professional educational services, County-wide training opportunities, and in-house "train the trainer" programs. Full documentation is retained to meet CAL/OSHA and County workplace safety requirements.

(i) Warehouse

1. Assembles pre-packaged materials ordered by the maintenance planners, delivers materials in accordance with the job-site on schedule, and stores critical replacement parts/ supplies, special tools, and emergency response equipment as needed.

3. Resource Management Section

Provides a variety of services to the Sheriff-Coroner Department through its Quartermaster Unit, Fleet Management, and Administrative Support Unit.

(a) Quartermaster Unit

1. The Asset Procurement Program falls within the Quartermaster Unit and obtains surplus property from federal, state and military agencies at no cost. Through Asset Procurement the team regularly procures products, such as vehicles, safety equipment, emergency supplies and other equipment valued in excess of a million dollars. Products procured would otherwise be unavailable or would have to be purchased by the department or other recipient agencies. Researches, purchases and issues uniforms and law enforcement equipment to department personnel.

(b) Fleet Management Unit

1. Works cooperatively with Orange County Public Works to procure, replace, maintain and repair a fleet of over 1,000 vehicles assigned to the Orange County Sheriff-Coroner Department. Collaborates with other Sheriff's commands for installation of radios, mobile computers, weapon retention storage, and servicing and outfitting of fleet vehicles and other tasks as assigned. Responsibilities include maintaining and updating the vehicle database with information on scheduled maintenance, license plates, annual registration, mileage, transponder data, etc.

(c) Administrative Support Unit

1. Provides command-wide reception, clerical and office services to all units within the Research and Development Command. These duties include scheduling, data collection, processing work requests, updating contracts through department programs and additional duties as assigned. Other duties include representing the command to the OCSD Safety Officer and the County Safety Officer, facilitating mandated R&D facility evacuation drills, annually replenishing safety equipment (fire extinguishers, first aid kits) and managing petty cash services for all R&D Command sections.

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203.2.3 THE TECHNOLOGY DIVISION

The Technology Division provides and supports the conception, implementation, maintenance, and forward mobility of all information technology systems for the entire Sheriff's Department. This includes all 800 MHz public safety radio communications for the Department, the County of Orange, and mutual aid users.

The Division designed, built, and provided the centralized operation, maintenance, and financial management of the 800 MHz Countywide Coordinated Communications System (CCCS). This system supports law, fire, lifeguard/marine safety, public works, and general government operations on behalf of the 34 cities, Orange County Fire Authority, Orange County Transportation Authority, the County of Orange, and other participating agencies. The Division has developed a CCCS system life-extension plan to assure that the system is operational and technical capabilities are maximized. This radio system has set a precedence of a true City/County partnership and serves as a national model of interoperability.

The information technology provided by the Division covers the development, maintenance, and support of all Orange County Sheriff's Department (OCSD) computer-based applications, as well as the Sheriff's regional network infrastructure. The technical staff are responsible for all desktop computers, mobile computers, servers, printers, and all models of deployed tablets and smart phones.

Advanced technologies and firewalls are deployed throughout the Department to provide a safe and efficient computing environment. Security is of primary importance in order to prevent data loss and other potential risks from intrusions such as viruses, spyware, and hackers.

The Division also provides connectivity and support for 26 Sheriff's locations and over 50 city, county, state, and federal law enforcement agencies in Orange County as the designated CLETS (California Law Enforcement Telecommunications System) host of the County. This network provides access to law enforcement data throughout the County and allows the electronic submission of Live Scan fingerprint to CALID from 45 devices located throughout the County.

The Technology Division consists of personnel organized across ten units that specialize in specific technical applications and support. The various units maintain a staff of managers, supervisors, engineers, technicians, developers, and support staff to provide a high level of technical expertise to various public safety functions. The Division also provides technical and operational solutions, such as jail automation, courtroom multi-media, closed circuit television, video conferencing, computer-aided dispatch, records management systems, and other custom applications providing the most cost-effective solutions with a focus on long-term reliability while in the constant pursuit of utilizing state-of-the-art technologies.

The ten units comprising the Technology Division are as follows:

1. **Radio Microwave Unit**

    (a) The Radio Microwave Unit provides engineering services to evaluate and implement state-of-the-art technologies; This includes frequency management, engineering, design, installation, maintenance, and the repair of

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communications infrastructure equipment at 34 remote radio sites and public safety dispatch centers.

2. **Technical Services Unit**

   (a) The Technical Services Unit is responsible for the template development and programming of over 22,000 subscriber radios on the 800 MHz CCCS. This unit also conducts radio repairs and provides installation of all mobile radios for the Department and partner agencies. The team also supports all ICV (In Car Video) and ALPR (Automated License Plate Readers) equipment installations, maintenance, and repairs, as well as MDC (Mobile Data Computer) configuration, maintenance, and installation. The Technical Services Unit also provides the technical support for all public safety dispatch center radio configuration, installation, maintenance, and repairs throughout Orange County.

3. **Operations**

   (a) Operations provides financial, customer service, purchasing, warehousing, safety, and facility maintenance support to the Division and our technical users in support of public safety operations and technologies.

4. **Security Electronics Unit**

   (a) The Security Electronic Unit is responsible for the planning, design, implementation, and maintenance of technology-based security systems within our jail system and other County facilities, including but not limited to closed circuit television, duress alarm systems, jail electronic controls, audio systems, and on-site audio/visual for events such as meetings, Medal of Valor Ceremonies, and academy graduations.

5. **Applications Development and Support Unit**

   (a) The Applications Unit is responsible for developing, implementing, maintaining, and supporting all OCSD computer-based applications. This team also provides connectivity and support for 26 Sheriff's locations and over 50 city, county, state, and federal law enforcement agencies in Orange County as the designated CLETS host of the County. This network provides access to law enforcement data throughout the county and allows the electronic submission of Live Scan fingerprint to CALID from 45 devices located throughout the County.

6. **Network/Infrastructure Unit**

   (a) The Network/Infrastructure Unit is responsible for all Sheriff's regional network servers and infrastructure including storage, upgrades, patches, and replacements. The unit's primary function is to design, implement, and maintain highly available network architectures that meet objectives throughout the Sheriff's organization and external agencies. The unit provides reliable and secure connectivity required to perform public safety duties effectively and efficiently.

7. **Server/Infrastructure Unit**

   (a) The Server and Storage Infrastructure unit is responsible for enterprise servers and storage, email services, and all Sheriff's regional network servers and

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infrastructure; including storage, upgrades, patches, and replacements. This infrastructure is supported over multiple locations throughout Orange County including the jail facilities, OC Data Center, and Loma Ridge. This unit ensures all systems are running optimally and securely.

8. **Security Unit**

   (a) The Security Unit is responsible for ensuring compliance as mandated by state and federal CJIS policy in order to access information in law enforcement databases and to ensure safe computing. They are responsible for having the proper safety measures and internal policies in place to protect us from all Cyber Threats.Included in their area of responsibility are firewall management, active directory management, internet access web filtering, desktop and server security implementation, mobile system encryption, and providing security guidance to various IT projects. This unit also provides email support, VPN (Virtual Private Network) approvals and accesses, and user authorization approvals for the Sheriff's Department. Security is of primary importance in order to prevent data loss and other potential risks from intrusions such as viruses, spyware, and hackers.

9. **Business Relations Unit**

   (a) The Business Relations Unit is responsible for the coordination, planning, tracking, and implementation support of all major technological projects. This group assists with the development of timelines, provides progress updates, establishes and solicits resources, and supports the vision of each project through their technical expertise in software, hardware, and development.

10. **Desktop Support Unit**

    (a) Desktop Support Unit currently supports over 50 locations throughout Orange County and 5,000 end users. They provide customer and technical support on computer hardware, printers, scanners, laptops, patrol car MDCs, Body Worn Cameras, In Car Video, iPhones, and all mobile devices. The technicians perform deployments, relocations, software installs, patches, and troubleshooting to our customers. Services expand to Loma Ridge Emergency Activations, Emergency Incidents on the scene for Mobile Command Vehicles, and planned events where computer services are needed.

203.3 CUSTODY OPERATIONS COMMAND

203.3.1 CENTRAL JAILS DIVISION

The Central Jail Complex consists of the following:

1. **Central Men's Jail**

   - The Central Men's Jail houses pre-trial and maximum security sentenced male inmates.

2. **Central Women's Jail**

   - The Central Women's Jail houses pre-trial and maximum security sentenced female inmates.

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203.3.2 INTAKE RELEASE CENTER/TRANSPORTATION

The Intake Release Center/Transportation consists of the following:

1. **Intake Release Center**
   - The Intake Release Center houses medium and maximum security, pretrial and sentenced male and female inmates. Provides mental health treatment to male and female inmates in modules specifically designed for Lanterman Petris Short patients and associated conservator hearings.
   - Additional services to released inmates, including: placement in housing and programs, multiple weeks supplies of medication, and access to other services.
   - Is the sole booking facility for all male and female arrestees for Orange County.
2. **Transportation Bureau**
   - The Transportation Bureau's primary duty is the in county transportation of all inmates committed to the county jail, to and from the courts of jurisdiction, medical facilities, and special court ordered movement.
   - It is also responsible for transporting Sheriff-Coroner's prisoners to and from institutions of confinement anywhere in the state.
3. **Fugitive Warrants and Extraditions Detail**
   - The Fugitive Warrants and Extraditions Detail is responsible for all fugitives wanted by the Orange County District Attorney's Office (OCDA) and/or agencies outside California. Whenever a fugitive is arrested outside California or serving time in state prison, the Fugitive Warrants and Extraditions Detail communicates and coordinates with the local agency to return the fugitive to Orange County.

203.3.3 INMATE SERVICES DIVISION

There are four distinct units within the Inmate Services Command; Commissary Operations, Food Services, Correctional Programs andRe-entry Services, and Division Support and Technology.

1. **Commissary Operations**
   (a) Commissary Operations is a automated, unit with fiduciary responsibilities over inmate funds. The primary goal of Commissary Operations is to provide high quality products and services to those incarcerated in the Sheriff's jail facilities. Profits collected from these services provide funding to the Sheriff's Inmate Welfare Fund which supports vocational and educational training programs for each Sheriff' jail facility.
2. **Food Services**
   (a) Food Services provide three nutritionally balanced meals to each inmate housed in the County's five jail facilities. Food Services prepares special medical diets ordered by Correctional Health Services staff for inmates with special dietary needs as well as religious diets, court ordered meals, and cold bag meals for inmates attending court, County inmate work crews and emergent operational situations. These meals must meet or exceed the requirements set forth by the

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California Board of Corrections, Title 15, the National Academy of Sciences Recommended Daily Allowances, and the California Retail Food Code.

3. **Correctional Programs & Re-Entry Services**

   (a) Correctional Programs & Re-Entry Services provides inmates the opportunity for an effective, rehabilitative experience while incarcerated. The Orange County Sheriff's Department is taking a proactive role in changing the way we rehabilitate inmates by providing extensive in-custody programs and post-release after-care services.

4. **Division Support and Technology**

   (a) The Division Support and Technology Unit provides support to the division units in various methods, including recruitment and hiring, product and equipment procurement, accounts payable, employee services, as well as providing services to the inmates via telephone, television outlets, tablets, and legal material.

203.3.4 THEO LACY FACILITY

The Theo Lacy Facility jail houses pre-trial and sentenced minimum, medium, and maximum-security inmates, including weekender inmates. This facility also receives and books stays of execution. In addition to the care and custody of inmates, the staff at the Theo Lacy Facility works collaboratively with the Inmate Services Division to foster rehabilitative programs such as the "Housing Unit for Military Veterans" (HUMV), the "Phoenix House" substance abuse counseling program, and the "Transitional Age Youth" (TAY) program.

The Special Services Bureau (SSB) is located within the Theo Lacy Facility and supports all Orange County Jail facilities by ensuring that all compliance standards of care and custody are met. The Special Services Bureau consists of four units:

1. The Jail Compliance and Training Team's (JCATT) mission is to maintain the Custody and Court Operations Manual (CCOM) and ensure it remains an accurate statement of current policies, procedures, and guidelines. JCATT will also work in conjunction with the Training Division to provide training to various entities within the Command.

2. The Classification Unit's mission is to support Custody Operations through the proper screening, classification, and housing of inmates in all jail facilities. These activities help maintain safe and secure facilities for all county employees and the inmates entrusted to the custody and care of the Orange County Sheriff's Department.

3. The Population Management Unit's (PMU) mission is to conduct strategic population planning, coordinate the efficient and safe housing of inmates across all facilities.

4. The Community Work Program's (CWP) mission is to maintain public safety while allowing for increased in-custody availability and flexibility options.The program is designed to promote self-reliance and individual accountability while ensuring participant cooperation and compliance through the use of innovative technology.

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203.3.5 JAMES A. MUSICK JAIL FACILITY

The James A. Musick Facility houses pre-trial and sentenced minimum-security male and female inmates. Custodial and rehabilitative programs are available, which include educational courses.

203.4 PATROL OPERATIONS COMMAND

203.4.1 NORTH OPERATIONS DIVISION

North Operations, based at Sheriff's Headquarters in Santa Ana, is responsible for patrol services in the north Orange County unincorporated areas and contract police services for the cities of Yorba Linda, Stanton, and Villa Park. North Operations is responsible for specialized law enforcement functions including the Security Bureau, Special Events, School Crossing Guards, County Parks, and the OC Fair & Event Center. The Emergency Communications Bureau, comprised of Dispatch and Control One is also a part of North Operations.

North Operations Division provides police services for approximately 75,000 residents of unincorporated North Orange County. These 35 County Islands are located adjacent to the cities of Anaheim, Costa Mesa, Brea, Garden Grove, Newport Beach, Orange, Santa Ana, Tustin, Irvine, La Mirada, Huntington Beach and Fountain Valley. Also included are the communities of Midway City, Emerald Bay, Rossmoor, and Silverado Canyon.

In addition to the patrol function, North Operations manages the following bureaus and units:

North Investigations

- North Investigations consists of general criminal investigators and in-custody court liaisons. The Investigators and Investigative Assistants assigned to this detail are responsible for investigating crimes committed in the contract City of Villa Park, Airport Police Services, Harbor Patrol, the OC Fairgrounds, and the unincorporated areas of Anaheim, Brea, Costa Mesa, Emerald Bay, Fountain Valley, Irvine, La Mirada, Midway City, Orange, Placentia, Rossmoor, Yorba Linda, and the canyon communities of Blackstar, Modjeska, Silverado, and Santiago.

Directed Enforcement Team (DET)

- The team handles specific crime problems or concerns of north county communities. The deputies assigned to DET receive advanced training on intelligence gathering, surveillance techniques, and search warrant service. The DET team targets career criminals and violent offenders, conducts high risk warrants, conducts surveillance, search warrant service and intelligence.

Special Events

- Contract police services are provided regularly for numerous special events including but not limited to: The OC Fair and Event Center, County Parks, and Holiday Events.

Security Bureau

- The Security Bureau has the responsibility of providing law enforcement and security services to County Agencies that have contracted for services. These Agencies include theAuditor-Controller, Assessor, Child Support Services, County Executive

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Offices, District Attorney's Office, Health Care Agency, OC Parks, Treasurer - Tax Collector, and Social Services Agency.. The Security Bureau has Sheriff's Special Officers posted at the following locations:

1. County
   (a) Hall of Administration 400 W. Civic Center Drive, Santa Ana (714) 834-2250
   (b) Tax Collector 601 N. Ross St., Santa Ana (714) 834-3411
   (c) Auditor-Controller 1770 N. Broadway, Santa Ana (714) 834-2023
   (d) Child Support Services 1055 N. Main St., Santa Ana (714) 448-0636
   (e) Districts Attorney's Office 300 N. Flower St., Santa Ana (714) 834-7843
   (f) OC Parks 211 W. Santa Ana Blvd., Santa Ana (657) 220-2210
2. Health Care Agency
   (a) 1725 W. 17th St, Santa Ana (714) 834-7929
   (b) 14140 Beach Blvd., Westminster (714) 934-4661
   (c) 2035 E. Ball Rd., Anaheim (714) 517-6137
   (d) 401 W. Civic Center Drive, Santa Ana (714) 480-6740
3. Sheriff's Buildings
   (a) 550 N. Flower St., Santa Ana (714) 647-4057
   (b) Brad Gates Bldg. / Forensic Science Services 320 N. Flower St., Santa Ana (714) 834-6311
4. Social Service Agency
   (a) 12912 Brookhurst Ave., Garden Grove (714) 741-7156
   (b) 1505 E. Warner St., Santa Ana (714) 825-8641
   (c) 15405 Lansdowne, Tustin (714) 566-2800
   (d) 2020 W. Walnut St., Santa Ana (714) 567-7956
   (e) 1928 S. Grand Ave. A, B & C, Santa Ana (714) 435-7365/(714) 435-5801
   (f) 3320 E. La Palma Ave., Anaheim (714) 575-2743
   (g) 800 N. Eckhoff St., Orange (714) 704-8001
   (h) 301 City Dr. S., Orange (714) 935-6164
   (i) 401 City Dr. S., Orange (714) 935-6915
   (j) 23330 Moulton Pkwy., Laguna Hills (949) 206-4003

Most of the facilities are staffed during regular business hours with the exception of Orangewood, 401 City Dr. which is staffed 24-hours a day.

Each facility has a different set of "Post Orders". The Post Orders detail the Sheriff's Special Officer's duties and responsibilities for that particular location.

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The personnel currently assigned to the Security Bureau consist of a Captain, Sergeants, Deputies and Sheriff's Special Officers. One Deputy is permanently assigned to a fixed post at the Hall Of Administration. In addition to the post orders at the Hall of Administration, this Deputy's duties include taking criminal counter reports at Sheriff's Headquarters. The other Deputies are assigned to the field. They respond to any of the facilities to assist the Sheriff's Special Officers with any type of law violation.

All of the Sheriff's Special Officers positions are fixed posts and they report directly to their work location. In addition to the post orders at each facility, Sheriff's Special Officers duties include the security of locations or facilities as directed by the Sheriff.

203.4.2 SOUTHWEST OPERATIONS DIVISION

The Southwest Operations Division is located in the City of Aliso Viejo and provides law enforcement services to more than 300,000 residents for seven contract cities: Aliso Viejo, Dana Point, Laguna Hills, Laguna Niguel, Laguna Woods, San Clemente and San Juan Capistrano. The area covered by the Southwest Operations Division encompasses approximately 72 square miles.

In addition to providing patrol operations, the Southwest Operations Division manages the following bureaus and units:

Facility Community Service Officers

- The Community Service Officers who are assigned to the Southwest Operations Facility oversee all assigned patrol equipment, fleet maintenance, and distribute personal protective equipment. Additionally, CSOs perform "Livescan" fingerprinting, facility maintenance and customer service at the front counter.

Southwest Investigations

- Southwest Investigations consists of a Sergeant supervising Investigators andInvestigative Assistants. The Investigators and Investigative Assistants areresponsible for investigating general crimes committed in the seven Southwest Operations Division's contract cities.Investigator Assistants and Office Specialist are responsible for ensuring the filing of in-custody criminal cases for the Southwest Operations Division.

Regional Traffic Bureau

- The Regional Traffic Bureau consists of a Sergeant supervising Deputies, Investigative Assistants, Staff Specialists, and Office Specialists. They provide review and follow-up traffic collision investigative services for the Sheriff's Department's contract cities. This includes filing cases with the District Attorney's Office, issuing citations, providing traffic statistics to the contract cities, and managing the Sheriff's Department's towing services contracts. The Regional Traffic Bureau is also responsible for administrating all DUI grants from the Office of Traffic Safety.

Major Accident Investigation Team (MAIT)

- M.A.I.T. consists of sergeants, investigators, deputies, and community service officers, all of whom have received specialized training in conducting the investigations

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of major injury or fatal traffic collisions. This detail also provides assistance to local law enforcement agencies in the field of traffic collision investigation and provides investigative support to other investigative units.

Auto Theft Bureau

- The regional Auto Theft Bureau is assigned to investigate all cases of stolen and recovered vehicles within the Sheriff's Department jurisdiction. The Bureau is comprised of Investigators,Investigative Assistants and Office Specialists.

Orange County Auto Theft Taskforce (OCATT)

- The Sheriff's Department provides a Sergeant andInvestigators to the regional Orange County Auto Theft Taskforce, which investigates auto thefts by professional criminals in Orange County and throughout the Southern California region.

Regional Motorcycle Traffic Enforcement Program

- The Motorcycle Traffic Enforcement Program consists of a Sergeant and Deputies that operate motorcycles and conduct traffic enforcement and investigate traffic collisions for contract cities. When needed by the Department, the Motorcycle Traffic Enforcement Program also functions as the Motor Strike Team which provides immediate assistance for crowd and traffic control.
- One Supervisor (Motor Sergeant) is assigned the ancillary responsibility of managing the Department's Drug Recognition Expert Program. The DRE Program facilitates training for our Deputies to recognize impairment in subjects that are under the influence of a controlled substance. All DREs must successfully complete all phases of the Drug Evaluation and Classification Program's training requirements to be certified as a DRE by the International Association of Chiefs of Police and the National Highway Traffic Safety Administration.

Behavioral Health Bureau

- The Behavioral Health Bureau consists of Sergeants and Deputies that work collaboratively with various stakeholders to reduce recidivism and increase services for those experiencing mental health and/or homeless issues. The team responds to calls for service and proactively patrols the community to identify people in need of resources.The team is trained in crisis intervention and is equipped to de-escalate and resolve high-stress scenarios involving individuals with mental health needs. Deputies are also paired with Behavioral Health Clinicians from the Health Care Agency to form a multi-disciplinary co-responder team known as the Psychiatric Emergency Response Team.

203.4.3 SOUTHEAST OPERATIONS DIVISION

The Southeast Operations Division provides law enforcement services to the three contract cities of Lake Forest, Mission Viejo, and Rancho Santa Margarita. In addition to servicing the three contract cities, the Southeast Operations Division provides law enforcement services to the unincorporated communities of Coto De Caza, Ladera Ranch, Las Flores, Wagon Wheel, Trabuco Canyon, and Rancho Mission Viejo. The Southeast Operations Division's geographic area of responsibility covers over 273 square miles and includes portions of the Santa Ana Mountain

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range. The division provides law enforcement services to more than 322,000 residents. The Southeast Operations Division works in a continuous partnership with the Southwest Operations Division to provide special services to all contract cities and unincorporated areas.

Southeast Operations Division deploys patrol cars during each 24-hour period to carry out our mission. These Deputy Sheriffs are assigned to patrol, traffic enforcement, Directed Enforcement Team (DET), Juvenile Services Bureau (JSB), School Resource Officer (SRO) programs, the School Mobile Assessment Response Team (SMART), Field Training Bureau (FTB), Gang Reduction Intervention Partnership (GRIP), supervision, management and other essential support functions. In addition to providing patrol operations, the Southeast Operations Division manages the following bureaus and units:

Community Service Officers

- The Community Services Officers who are assigned to the Southeast Operations Division oversee the Equipment Room, Front Desk and CWP work crew. The Equipment Room CSO responsibilities are to check in/out equipment to the field personnel, manage fleet maintenance, and distribute patrol equipment, personal protective equipment (PPE), and the patrol body worn video systems. The Front Desk CSOs perform "Livescan" fingerprinting, correctable citation approval, and assist citizens with answers in person or on the phone, and a variety of customer service resources at the front counter. Through the Community Work Program, the Community Services Officer duties include supervising a work crew who does the cleaning and manual labor projects for the station.
- The Community Services Officers who are assigned to the field handle traffic accident reports; coordinate the removal of abandoned vehicles; issue citations for parking violations and other infractions; and other duties as assigned.

Professional Staff

- The professional staff primary responsibilities are to process the timekeeping assignment for the division; process the Return-to-Work paperwork for record keeping; process citations to Traffic Court and Probation; process reports with citations for the District Attorney's Office using the EDC system; answer phone calls for the Saddleback Station main phone line; and review the False Alarm billing.

Southeast Investigations

- Southeast Investigations consists of a Sergeant supervising Investigators and Investigative Assistants. The Investigators and Investigative Assistants are responsible for investigating general crimes committed in the three Southeast Operations Division's contract cities and the Unincorporated Areas. For the Court Services Office, Investigative Assistants are responsible for ensuring the filing of in-custody criminal cases for the Southeast Operations Division.

Direct Enforcement Team (DET)

- The DET team consists of a Sergeant, an Investigator, Deputies and a Deputy Probation Officer. DET operates as a plainclothes investigative detail. Their primary mission is to conduct investigative follow-up for their respective operational areas,

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targeting career criminals and violent offenders. Employing the use of investigative measures including crime analysis and surveillance, DET effectively focuses on problem areas and criminal matters, both within the Sheriff's Departments' jurisdiction and beyond. Members of DET author and serve both search and arrest warrants, and prepare and file their own criminal cases. DET collaborates with the Probation Department with monitoring probationers, including those released under AB 109, and routinely work with other Sheriff's Department specialty units.

Juvenile Services Bureau (JSB)

- Juvenile Services Bureau hosts a broad series of programs that cover early intervention programs, investigations, school violence prevention, and juvenile diversion. It includes outreach and community forum programs that inform parents about issues or concerns within the juvenile community. JSB also coordinates Sheriff's Department efforts with the Orange County Board of Education, Juvenile Justice Commission, Juvenile Justice Coordinating Counsel, and several local school districts on a variety of projects, issues, and programs.Juvenile Services Bureau is overseen by the JSB Sergeant. JSB works to provide comprehensive investigative, counseling, rehabilitation and referral services to area youths that come in contact with law enforcement, in concert with the goals of the Juvenile Court System to rehabilitate youthful offenders. JSB further includes the contract partnership for diversion with Pepperdine University for the Pepperdine Resource Youth Diversion and Education (PRYDE) program. PRYDE brings diversion programs and clinicians from the university to address early intervention and mental health issues.The JSB Sergeant acts as a program coordinator for the School Resource Officers (SRO) throughout the Orange County Sheriff's Department operational areas. SROs have a diverse role within the school community. They collaborate with school staff and administrators to educate and assist students and parents with various needs, provide low-level counseling, act as a deterrent and emergency responder on school campuses, and assist with law violations when needed.

School Mobile Assessment and Resource Team (SMART)

- The School Mobile Assessment and Resource Team is utilized in school situations and incidents related to violence, threats, possession and/or use of weapons, unstable behaviors, and suicidal actions or tendencies. SMART works collaboratively in conjunction with school officials, the Health Care Agency, the Probation Department, and the District Attorney's Office, to help resolve safety issues and concerns involving all personnel associated to schools.SMART is comprised of a North SMART (N.SMART) team and a South SMART (S.SMART) team. N.SMART is comprised of a Sergeant, a Deputy, a Detective from Anaheim PD and a Detective from Garden Grove PD. S.SMART is comprised of a Sergeant, two Deputies, an Investigator, and a Detective from Irvine PD. The teams share a clinician from the Orange County Health Care Agency. The team responds at the request of law enforcement personnel or school administration to provide services and resources, including threat assessments, criminal investigation, case management and referrals to mandatory counseling, where deemed appropriate. The goal of SMART is to evaluate and assess each incident individually, to effectively resolve the matter through the least intrusive

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mean available (while still maintaining safety and security to the school), and ultimately return the staff and students to their daily routine.

Orange County Gang Reduction and Intervention Partnership (OC GRIP)

- Orange County Gang Reduction and Intervention Partnership (OC GRIP) is a collaborative effort between the Orange County District Attorney's Office, Orange County Sheriff's Department, Orange County Probation Department and various police departments with the goal to prevent minors from joining criminal street gangs.
- OC GRIP also works closely with Waymakers, a non-profit organization that shelters children, supports victims, counsels families, and educates communities. Faith based organizations, private businesses, and community groups also partner with the program.

Field Training Bureau (FTB)

- The Field Training Bureau (FTB) operates in the Patrol Operations Command and consists of one Captain and three Sergeants. It is responsible for the management and oversight of the Department's Field Training Program (FTP). The following are the primary functions of the Bureau:
  - Provide oversight of each patrol trainee's progress through the Field Training Program
  - Manage the database utilized to document trainee's performance
  - Management of Master Field Training Officer (MFTO) and Field Training Officer (FTO) selection process
  - Oversight of MFTO/FTO training and development
  - Administer the Patrol Readiness Education Program (PREP)
  - Manage the Patrol Operations Manual (POM)
  - Address/research law enforcement "industry standards / best practices"
  - Disseminate training bulletins related to case law, patrol procedures, and officer safety
- FTB works collaboratively with the Department's four patrol divisions to successfully prepare and transition deputies to assignments in Patrol Operations. In addition, the Bureau provides accurate and timely information to Patrol Operations' personnel to enhance their effectiveness and expertise in providing service to our community.

203.4.4 TRANSIT OPERATIONS DIVISION

Airport Police Services Bureau

The Airport Police Services Bureau has the responsibility to provide law enforcement services and security for the residents and visitors of Orange County on the publicly owned property at John Wayne Airport. This includes the protection of all persons and property through the enforcement of laws, security regulations and procedures.

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The bureau works closely with Airport management, the Department of Homeland Security (including the Transportation Security Administration), the Federal Bureau of Investigations, the Orange County Intelligence Assessment Center, U.S. Customs and Border Protection, and the air carriers serving the airport.

The bureau routinely provides dignitary protection to high profile government officials that are transiting through John Wayne Airport. They work collaboratively with the United States Secret Service, the State Department, Capital Police, the California Highway Patrol, and other involved entities to coordinate the safe arrival and departure of these dignitaries through Joh Wayne Airport.

The bureau's Explosives Detection Teams provide K-9 services to John Wayne Airport through a cooperative agreement with the Department of Homeland Security/ Transportation Security Administration. The team protects the public, airport employees, and property by acting as a pro-active deterrent against possible terrorist and criminal activity. They conduct random and directed bomb sweeps of the airport's parking lots, terminals, commercial ramp, aircraft, freight building and cargo area.

Harbor Patrol Bureau

The Harbor Patrol Bureau provides around-the-clock law enforcement along the 43 miles of Orange County's coastline and within the county's three significant harbors at Newport Beach, Sunset-Huntington Beach and Dana Point. The Harbor Patrol Bureau is also responsible for marine firefighting, boater assistance/education, accident investigation, hazardous materials spill investigations, environmental protection, wildlife protection, and search/rescue services. Harbor Patrol Deputies constantly monitor valued assets within our harbors and along the county coastline. Deputies are also on a heightened alert for any possibility of smuggling or terrorist activity. The bureau works closely with local, state, and federal government agencies, sharing information to detect and prevent suspected acts of terrorism.

There are offices in Sunset-Huntington Beach, Newport Beach, and Dana Point Harbors. The Newport Beach office serves as the headquarters for the Harbor Patrol Bureau and as an official reporting station for the National Weather Service and the National Oceanic and Atmospheric Administration (NOAA). The 4,000-square-foot Harbor Patrol Headquarters building contains an emergency operations center, administrative offices, conference/ training rooms, and a state-of-the-art 800 MHz dedicated dispatch center for Harbor Patrol operations. This dispatch center has full-time sheriff's dispatchers and is a backup for the county's primary dispatch facility at Loma Ridge. The Newport Beach facility also has a 3,000 square foot marine maintenance facility to maintain the six fireboats, 8 patrol boats and 1 interdiction boat in its fleet.

With ongoing adversarial, mechanical, and environmental threats to small and large harbors, the need for a fully equipped Dive Team ready to respond at any time has become essential. The bureau provides the services of the Underwater Search and Recovery

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Team (Dive Team) for the varied duties of evidence and body recoveries, boating accident investigation on sunken or damaged vessels, and emergency inspections of boats, docks, bridges, and seawalls. The Dive Team is also utilized to inspect large vessels and docks to prevent possible terrorist acts.

Transit Police Services Bureau

The Transit Police Services Bureau has the responsibility to provide security and law enforcement for the Orange County Transportation Authority (OCTA). This includes providing security and other services on OCTA buses, vehicles and transit facilities, as well as for OCTA patrons and employees. The bureau also provides special law enforcement services and investigative services for violations on transit properties and along OCTA's 47 miles of active rail right of way properties as well as 13 miles of non-operating right of way properties.

The bureau deploys a team of uniformed Deputy Sheriffs dedicated to providing specialized security and law enforcement services on OCTA buses in addition to supplementing local law enforcement agencies at transportation centers, OCTA facilities, and park & ride facilities.

Due to the extreme level of danger along our railway properties, the bureau deploys a dedicated Right of Way Team. This team of Deputy Sheriffs is tasked with the mitigation of trespassing and security threats along our Orange County railway right of way properties. This team works in concert with local law enforcement, federal law enforcement, railway police, and the public at large to maintain the highest level of safety and security along these vital infrastructure sites.

The bureau deploys an investigative element which is primarily tasked with investigating criminal violations which occur on OCTA buses and OCTA owned right of way properties. This element also conducts threat assessments, special operations with surveillance capabilities, and coordinates with allied agencies for joint operations which enhance safety and security in Orange County's transit environment.

The bureau is a participant in the Department of Homeland Security/Transportation Security Administration Explosive Detection Canine Program. The bureau deploys multiple canine teams that provide support to OCTA directly by conducting searches of buses, trains, bus routes, properties, and special events to locate any explosive devices.

The bureau deploys a Community Oriented Policing (COP) Team comprised of deputies with primary focus of improving the quality of life by building ties and working closely with members of the ridership and other members of the community to prevent or reduce crime and disorder. The team takes a collaborative, multi-disciplined approach to finding solutions to the increased homeless issues within OCTA jurisdictions and properties, with equivalent emphasis on outreach, enforcement and security functions.

203.5 INVESTIGATIONS & SPECIAL OPERATIONS COMMAND

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203.5.1 INVESTIGATIONS DIVISION

The Investigations Division works collaboratively with our partners throughout many different OCSD Divisions including Patrol Operations, Crime Lab, Coroner's Office, as well as with outside agencies such as the District Attorney's office, state, federal and local law enforcement agencies to provide high level, responsive investigative resources for the communities we serve.

To ensure maximum efficiency; the Investigations Command has been organized into different bureaus:

Criminal Investigations Bureau

The specialized organization and operating techniques of the Criminal Investigation Bureau permits the concentration of investigative efforts in the most productive manner. The bureau consists of the following details:

(a) Homicide
    (a) The responsibilities of the Homicide Detail include, but are not limited to the following:
        (a) Investigating death-related crimes
        (b) Investigation of officer involved shootings
        (c) Adult missing persons
(b) Special Victims
    (a) The Special Victims Detail is responsible for the investigation of sex-related crimes involving victims of all ages, including rape, sexual battery, child molestation and other types of sexual abuse.
    (b) Special Victims is also comprised of the Sexual Offender Notification and Registration (SONAR) team, and has an investigator assigned to the Orange County Child Exploitation Task Force. This task force is a multi-jurisdictional team comprised of law enforcement personnel from federal, state and local agencies. The task force focuses on sex-related crimes committed over the internet and receives tips through the Internet Crimes Against Children (ICAC) database. Investigators assigned to this unit also seek out predators online who may be attempting to groom young children or using the internet to distribute child pornography
(c) Family Protection
    (a) The Family Protection Detail investigates all felony and misdemeanor cases of domestic violence, physical child abuse, child neglect, elder abuse, adult dependent care abuse, and domestic violence restraining order violations.
(d) Financial Crimes
    (a) The Financial Crimes Detail is responsible for investigating fraud associated with identity theft, credit card and check fraud, grand theft, theft of public funds, embezzlement, theft by false pretenses, consumer fraud, a variety of business fraud, and elder financial abuse.

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(e) Computer Forensics

(a) The Computer Forensics Detail conducts forensic examinations on all forms of digital media seized during criminal investigations. Digital media includes computers, cell phones, PDA's, flash media, CD's, DVD's and a variety of other devices capable of storing electronic data.

(b) The primary role of this unit is to conduct examinations in support of other investigative details such as Homicide, Sex Crimes, Family Protection, Narcotics, Financial Crimes, and General Investigations. They also assist patrol operations and other local law enforcement agencies with the collection and preservation of digital evidence.

(f) Cyber Crimes

(a) The Cyber Crimes Detail is responsible for investigating past, ongoing, or threatened intrusion, disruption, or other events that impair, or are likely to impair, the confidentiality, integrity, or availability of electronic information, information systems, services, or networks. Investigators work to identify, track, and prosecute individuals who commit such acts as: network intrusions, wire transfer interception, fraudulent tax refund campaigns, unlawful computer access, business e-mail compromise (BEC), ransomware, malware, directed denial of service (DDoS) attacks, theft of digital currency, and phishing campaigns with a financial loss.

(b) Personnel assigned to the Cyber Crimes Detail are also involved in federal task forces which are focused on high-tech crimes. Cases where a computer is not the target of the crime (i.e. cyber bullying or Craigslist scams) are handled by General Investigations.

(g) Custody Intelligence Unit

(a) The Custody Intelligence Unit will provide investigative support to OCSD investigative units and city, state, and federal law enforcement agencies; investigate crimes committed within the Orange County Jail system; properly document and manage confidential informants and sources of information within OCSD jail facilities; coordinate in-custody operations; collect intelligence related to jail security; prepare intelligence/security briefings and training as necessary; and respond to subpoenas and court orders requiring discovery as required.

The Criminal Investigations Bureau prepares and develops material derived during investigations for presentation to the District Attorney for complaint and/or warrants, which ultimately result in apprehension and successful prosecution of the offender.

Special Investigations Bureau

The Special Investigations Bureau consists of the following teams:

1. Gang Enforcement Team

(a) The primary responsibility of this detail is to provide expertise, support and policing of gang activity within the Sheriff-Coroner's jurisdiction. Through street contacts and collaboration with patrol personnel, team members concentrate

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on gathering intelligence to help address specific enforcement needs and is responsive to gang related incidents. Special attention is given to the monitoring of sentenced gang members who have been released from custody on "gang term" probation.

(b) In addition, team members help coordinate anti-gang activities within the department as well as assisting with community awareness programs to help disseminate information in our areas of responsibility.

2. Technical Investigations Unit

(a) This detail is responsible for:

1. Intelligence
2. Armed and Prohibited Persons Systems (APPS)
3. Threat Assessments
4. Technical Operations

(b) The primary function of this team is to conduct specialty investigations requiring intelligence gathering, resource networking, undercover operations, and electronic surveillance.

3. Narcotics/Vice Detail

(a) The purpose of this detail is to investigate, analyze, deter and arrest violators who engage in the transportation, distribution, manufacturing, cultivation and sales of narcotics. The detail also conducts targeted vice enforcement including illegal gambling, prostitution and human trafficking.

4. Regional Narcotics Suppression Program (RNSP)

(a) RNSP is a countywide task force that is a member in the Los Angeles High Intensity Drug Trafficking Area program run by the United States Office of National Drug Control Policy. RNSP consists of personnel from local, state and federal law enforcement agencies located in Orange County. RNSP targets, investigates and prosecutes individuals who organize, direct, finance or otherwise engage in high-level drug trafficking and money laundering enterprises with an emphasis on the importation of drugs into or through Orange County. In Addition, RNSP deploys trained personnel for clandestine laboratory clean-up and investigative follow-up through the OC CLEAN program.

203.5.2 CRIME LAB DIVISION

Criminalistics Bureau

- The Criminalistics Bureau performs qualitative and quantitative tests on physical evidence, organic and inorganic substances using chemical, microscopic and instrumental techniques. For purposes of identification, comparison and individualization.This bureau is responsible for the interpretation of analytical data that assists in the investigation of crimes, prosecution of offenders or the exclusion of suspects. The most frequent examinations are conducted in the fields of seized drugs, firearms comparison, arson and explosives, and trace evidence such as

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hair and fibers. The Bureau is also responsible for major (homicide, officer-involved shootings) crime scene investigation, including blood spatter interpretation and the collection of evidence. The Seized Drugs Unit of this bureau is responsible for examining evidence for presence of all controlled substances, evidence collected from clandestine laboratories.

DNA Bureau

- The DNA Bureau is responsible for examining physical evidence for the presence of biological material, analyzing the biological samples for the presence of DNA, and generating DNA profiles from these samples. The DNA profiles generated from this bureau provide investigatory information to law enforcement. This bureau also participates in the state and national CODIS DNA database system. The CODIS database allows searching and comparison of DNA profiles from casework samples submitted by other jurisdictions at the local, state, and national levels.

Forensic Chemistry Bureau

- The Forensic Chemistry Bureau is responsible for the detection, quantitation and interpretation of the significance of drugs and other toxins in physiological samples from (both living and deceased subjects). The analytical results may be used to help determine cause and manner of death in Coroner cases, the presence of prescription drugs and drug of abuse in living subjects, and the effects of alcohol and drugs on driving-under-the-influence investigations. The laboratory coordinates the county-wide DUI/D blood and breath alcohol program including the analysis of blood and urine samples for alcohol and commonly abused drugs, and the maintenance of breath alcohol devices throughout the County. The bureau provides expert opinion and analysis in court testimony on the effects of alcohol and other drugs on driving behavior. The bureau includes the clerical section which manages case files, responds to discovery and subpoena requests and performs the purchasing functions for the division.

Identification Bureau

- The Identification Bureau is comprised of five sections. The CSI field section is responsible for crime scene investigation including photography, diagramming, evidence collection, fingerprint processing, and documentation of impression evidence. The Latent Processing section is responsible for processing items of items for fingerprints. The Latent Comparison sections analyzes and compares latent fingerprints by either submitting them to the AFIS database or performing a direct comparison to suspect or victim standards. The Photo Lab is responsible for photographing evidence, post-mortem assignments, and maintaining a database of all images taken by laboratory staff. The Impression Evidence section perform footwear, both manually and utilizing a footwear database, and tire track comparisons. The bureau includes the laboratory Evidence Control unit, which is responsible for logging and tracking of all evidence handled by the laboratory.

Cal-ID Bureau

- The Cal-ID Bureau is responsible for the operation of the county-wide Automated Biometric Identification System (ABI) and the associated county Livescan and Mobile

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ID systems. Through this system, the fingerprints and other biometric modalities from arrestees throughout the county are identified on a timely basis. Latent fingerprints collected from crime scenes are compared to the database fingerprints of known criminals. The Cal-ID Bureau maintains communication and integrates with the Department of Justice AFIS in Sacramento. This permits the comparison of arrestee fingerprints and crime scene latent prints with fingerprints from criminals statewide.

203.5.3 CORONER DIVISION

Investigations Unit

- The Investigations Unit is responsible for carrying out the statutory duties of the Coroner as defined in California Government Code Section 27491 and Health and Safety Code Section 102850. Those duties include investigation into the circumstances surrounding all deaths falling within the Coroner's jurisdiction for the purpose of determining the identity of the deceased, the medical cause of death, the manner of death, and the date and time of death. Medicolegal death investigations are conducted countywide on all homicides, suicides, accidents, suspicious, and unexplained deaths.
- Other duties include locating and notifying the legal next of kin, safeguarding personal property, collection and preservation of evidence, and completion of mandatory records and documents. Deputy Coroners are P.O.S.T. certified sworn peace officers under Penal Code 830.35(c) whose authority extends to any place in the state for the purpose of performing their primary duty under Section 27469 and 274971 to 27491.4. The Division is also proactive in the community, participating in awareness programs geared toward preventing drunk driving and drug use; domestic violence, child abuse, and elder abuse; and reporting consumer products that cause fatal injury. The Division collaborates with research organizations pursuing medical science advancements and maintains collaborative relationships with non-profit organ and tissue procurement agencies to enhance the quality of life and save lives.

Forensic Unit

- The Forensic Unit is comprised of Forensic Assistants with primary responsibility for assisting the Forensic Pathologists with autopsy examinations; scheduling and assisting outside neuropathologists, odontologists and anthropologists; collecting, chronicling, and maintain all autopsy-related evidentiary specimens; processing the decedents into and out of the Coroner facility; and providing training opportunities for medical residents/students and mortuary science students: On a daily basis, the Forensics Unit works in coordinated effort with any and all county law enforcement agencies, local and state health departments, funeral homes, organ and tissue procurement agencies, and California DOJ as needed. Forensic pathology services are provided by a contract medical group who are all board certified forensic pathologists.

Training Unit

- The Coroner Division houses the California Coroner Training Center (CCTC), the sole educational institution in the State designated specifically for the specialized training needs of Coroner and Medical Examiner offices. The Training Unit oversees

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the CCTC, developing and delivering POST mandated training for Coroner and Medical Examiner Investigators throughout the State. The Training Unit also provides educational services for medical, academic, and law enforcement professionals throughout the County. The Training Unit also facilitates board certification testing of Coroner and Medical Examiner Investigators in conjunction with the American Board of Medicolegal Death Investigators.

203.5.4 EMERGENCY MANAGEMENT DIVISION

Emergency Management Division serves as the Operational Area Coordinator Point under the direction of the Sheriff-Coroner and the Operational Area Executive Board. Emergency Management staff provides planning and training for all types of emergencies within the county and coordination with state and federal resources. The staff of the Emergency Management Division provides support to the Emergency Operations Center (EOC) that functions as the county's command center for natural disasters or unusual events.

203.5.5 OPERATIONS SUPPORT AND INTELLIGENCE DIVISION

The Operations Support and Intelligence Division (OSID) utilizes innovative technology to provide support to each OCSD Division and to local, state, and federal law enforcement agencies.This division provides real-time operational sources to assist with making all communities safer. The division is comprised of the Counter-Terrorism Bureau (OCIAC/JTTF), Emergency Communications Bureau (ECB), and the Real Time Operations Center (RTOC).

Counter Terrorism Bureau

1. The Orange County Intelligence Assessment Center (OCIAC)

   OCIAC is a proactive multi- agency, multi-discipline collaboration amongst city, state and federal agencies which provides comprehensive analysis, intelligence, timely information sharing, and critical infrastructure protection. Direct responsibility for the overall policy and direction of OCIAC will rest with the Orange County Sheriff-Coroner or his/her designee. OCIAC communicates information to public and private partners, and works collaboratively with fusion centers and law enforcement agencies throughout the country.

2. Joint Terrorism Task Force (JTTF)

   In order to prevent, investigate and respond to a potential terrorist threat more effectively, the Orange County Sheriff's Department has partnered with the FBI and other local, state and federal police agencies in forming the Orange County Joint Terrorism Task Force (OC JTTF). Task Force members are responsible for collecting, analyzing and sharing critical information and intelligence related to any investigation occurring in or affecting the Orange County operational area. Task Force Members have undergone extensive training in Federal Bureau of Investigation and of US Department of Homeland Security protocol. Working together, the Orange County Joint Terrorism Task Force remains effective in its ability to respond to all matters of Homeland Security within Orange County.

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Emergency Communications Bureau

1.Dispatch

Dispatch serves as the communications center for the Department. Staffed by Radio Dispatchers and Call Takers who are also supervised by professional staff supervisors,Dispatch receives all incoming calls for service. Calls are dispatched via radio to the appropriate units for handling. The radio dispatchers also provide radio communications to all Sheriff-Coroner vehicles. Supplemental communications support is provided to the District Attorney's Office, the Probation Department, Park Rangers and Saddleback College.Dispatch provides a Public-Service Answering Point for the County 9-1-1 emergency telephone and text systems as well as non-emergency calls for service.

2. Control One

Control One is the County wide Coordinated Communications System providing wants/warrant teletype service and coordinating communications between all County of Orange fire and law enforcement agencies, and coordination between Orange County agencies and agencies from outside of Orange County. This unit is staffed by Communications Coordinator ll's and Supervising Communications Coordinators. Control-One is the countywide point of contact for any major disasters or incidents. Control One would notify all agencies of resources requested and make necessary state and federal contacts for further assistance.

Real Time Operations Center (RTOC) / Crime Analysis

The RTOC merges sworn law enforcement officers and analysts who leverage various databases and available technologies in real time to support first responders in emergency situations and law enforcement in response to criminal incidents with improved operational intelligence.This translates to a response that is more efficient, effective, and with enhanced officer safety.

The RTOC collaborates with the OCIAC, Investigations, and external law enforcement agencies to provide timely operational and intelligence support to OCSD Operations, Orange County Operational Area (OA) partners, as well as state and federal stakeholders. The RTOC coordinates communication with ECB to provide important public safety information to keep our communities safe.

Crime Analysis is tasked with providing tactical, operational, and strategic analysis to support the Orange County Sheriff's Department's mission. Tactical support consists of providing rapid statistical and visual representation of crimes and dissemination of data and information to our law enforcement partners. Operational support provides analysis of geospatial crime mapping, offender networks, and criminal activity relationships to provide investigative support and direct departmental resources. Strategic analysis supports the intelligence led

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policing model and provides data driven solutions to long-term problems as well as presenting OCSD leadership with decision making advantages.

203.5.6 SPECIAL OPERATIONS DIVISION

The Special Operations Division collaborates with various units within the OCSD, including the Patrol Operations Division, Investigations Division, and Custody Operations Command. This division also works in conjunction with other state, federal, and local law enforcement agencies to provide high-level, responsive law enforcement resources to the communities we serve.

1. **Law Enforcement Mutual Aid Bureau**

   (a) The Law Enforcement Mutual Aid Bureau is responsible for ensuring an effective and coordinated response to any law enforcement mutual aid request within the Operational Area.

   (b) The Department's Reserve Unit is contained within the Mutual Aid Bureau. The Orange County Sheriff's Department Reserve Program is one of the most exciting and innovative law enforcement volunteer forces in the nation. Volunteers provide a wide variety of services to the community, volunteering their time to work alongside career law enforcement personnel. The Reserve Unit consists of the following:

      1. **Reserves** - Reserve Deputies provide a wide variety of services to the community/department while augmenting existing staffing levels free of charge.

      2. **Professional Services Responders** - The Professional Services Responder (PSR) Program supplements traditional Reserve programs with non-sworn volunteers. PSRs provide administrative and leadership support in the areas of emerging technologies, communications, web design, graphic arts, legal and accounting services, and emergency response resources.

      3. **Chaplains** - The Chaplains are trained and utilized in counseling Department personnel and family members in a confidential manner in a wide variety of subjects, including spiritual matters, emotional difficulties, interpersonal conflict, family conflicts, and work stress related concerns.

      4. **Explorers** - The Explorers are young men and women between the ages of 14 and 21 years. They assist deputies with traffic control and crowd control at events, attend weekly meetings, and volunteer thousands of hours to the department every year.

   (c) The Department's Mounted Enforcement Unit (M.E.U.) is contained within the Mutual Aid Bureau. The M.E.U. functions as an auxiliary mobile field force. The M.E.U. patrols beaches and parks on major holidays, performs crowd control at special events, provides security when dignitaries or high-ranking officials visit the county, and assists regular patrol personnel in high-risk crime areas or search missions. The Sheriff's M.E.U. is part of the Regional Mounted Enforcement Unit that includes other Orange County law enforcement agencies and provides for mutual aid response to major incidents. The M.E.U.

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is contracted by OCTA to provide regular patrols in the Trabuco Rose Canyon area.

(d) The Sheriff's Response Team (SRT) is contained within the Mutual Aid Bureau. SRT consists of a core group of trained personnel that can be mobilized quickly and are able to respond to a variety of emergencies and disasters. SRT is an ancillary duty.

(e) The Department's Search and Rescue Unit is comprised of sworn (Level 1D, I, II & III) deputies and non-sworn Professional Services Responder (PSRs) members, as well as Search and Rescue trained explorers. The unit is responsible for managing urban and wilderness searches for missing persons. The unit has formal agreements for mutual aid with the California Emergency Management Agency, the US Forest Service's Cleveland National Forest, and many other local agencies. Assignments within the unit are based upon the level of training the unit member has completed.

(f) The Department's Honor Guard is contained within the Mutual Aid Bureau. The honor guard is a ceremonial unit comprised of sworn members of the department who are highly motivated and maintain exceptionally high standards of appearance, conduct and who show aptitude for ceremonial duty. The primary function of the unit is to provide ceremonial duties at a variety of special events, which include: funerals, flag presentations, peace officer memorials, and special request events.

2. **Special Enforcement Bureau**

(a) The Special Enforcement Bureau is comprised of the following teams:

(a) Special Weapons and Tactics Team (SWAT): The SWAT team is tasked with managing and resolving extraordinary law enforcement situations that exceed the capabilities of traditional police personnel. This team also supports other Sheriff Commands and patrol stations with the service of high-risk search warrants and arrest warrants, and the provision of advanced training. In addition, the SWAT team may collaborate or perform special security operations, such as high-risk prisoner escorts and dignitary protection.

(b) Crisis Negotiations Team: Crisis Negotiations Team provides expertise in establishing and maintaining communications during crisis situations, involving barricaded suspects, hostage takers, as well as individuals who are a danger to themselves or others.

(c) Hazardous Device Section: Hazardous Device Section is in charge of all explosive related incidents in this county, from detection, disposal, and the rendering devices safe. The technicians are also qualified to handle hazardous materials and underwater explosives.

(d) Tactical Apprehension Team: The Tactical Apprehension Team is responsible for the service of felony and misdemeanor warrants. Their duties include the investigation, location, and apprehension of named individuals and fugitives.

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(e) Canine Unit: The Canine Unit provides well-trained Police Service Dogs (PSD) and handlers to locate and assist with the apprehension of dangerous suspects, locate articles such as deadly weapons, and detect narcotics.

(f) Homeland Security Grant Unit: Homeland Security Grant Unit is responsible for administering a variety of federal and state programs. Grant funding priorities are determined by multidisciplinary committees comprised of representatives from agencies across Orange County for the benefit of local law, fire, and health agencies. The grants unit is responsible for implementing the decisions of committees and ensuring that, in doing so, the projects and expenditures conform to the Sheriff's Department and County policies and procedures, State and Federal guidelines and regulations.

3. **Aviation Support Bureau**

(a) The Aviation Support Bureau is responsible for providing a daily law enforcement aerial patrol for unincorporated areas of the county and cities contracting for services with the Sheriff-Coroner's Department. Its objectives are to improve efficiency through swift response to life saving or life threatening incidents as well as increase officer safety through air support of ground officers. The Bureau also responds to emergency service requests from any city in Orange County and provides support to the Regional Narcotics Suppression Program.

(b) In addition to its primary duties, the Aviation Support Bureau participates in joint operations with the Orange County Fire Department. Some of their primary duties include:

1. Providing aerial support during major emergencies.
2. Fire prevention and detection activities.
3. Transportation of personnel and equipment to emergency incidents.
4. Firefighting.

203.6 PROFESSIONAL SERVICES COMMAND

203.6.1 PROFESSIONAL STANDARDS DIVISION

The Professional Standards Division functions include all pre-employment processing and the maintenance of personnel records on all Sheriff-Coroner Department employees. The Command coordinates employee records with County Personnel; ensures the department's compliance with State and Federal employment laws and statues; receives and processes applications for and issues various county licenses. To carry out these functions, the Command is divided into various units:

Recruiting Unit

- The Recruiting Unit is responsible for sworn and professional staff vacancies in the Sheriff's Department. The Recruiting Unit conducts public, county-wide, and agency

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recruitment for sworn and professional staff positions. Active efforts are undertaken to select the most qualified applicants by administering rigorous selection processes.

Position Control Unit

- The Position Control Unit is responsible for the placement of newly hired and promoted employees into one of over 3,500allotted positions and over 150 different job classifications; is responsible for tracking all Department transfers within its Divisions; and generating and disseminating monthly Department-wide vacancy reports to Sheriff's Administration and Division Commanders/Directors.

Backgrounds Unit

- The Backgrounds Unit is responsible for investigating applicants to ensure they meet the high standards of employment maintained by the Sheriff-Coroner Department. Detailed investigations are undertaken to scrutinize the history of applicants to include previous criminal behavior, prior work performance, credit, personal relationships, and driving record. In addition to conducting backgrounds for all Sheriff's Department hires (sworn and professional staff), the Backgrounds unit conducts backgrounds for Park Rangers, Reserves, Professional Service Responders, Health Care Agency applicants, Interns, Advisory Council members and the Grand Jury.

Employee Services Unit

- The Employee Services Unit consists of two teams, Employee Services Support and HR Records. These teams provide ongoing career lifecycle support to employees and divisions of the Department by processing a wide range of personnel transactions in addition to maintaining all personnel and background files. Employee Services Support processes employment verification letters, retiree CCW renewals, DMV Confidentiality requests, POST applications, issues Department Identification Cards, and provides PSD Front Desk customer service. HR Records is responsible for processing department personnel transactions in the Countywide Accounting and Personnel Systems (CAPS), facilitates the on-boarding and off-boarding process, maintaining and assigning department badges,and manages non-occupational leave of absences, including the Catastrophic Leave program.

Employee Relations Unit

- The Employee Relations (ER) Team is instrumental in ensuring Human Resources (HR) practices comply with Federal and State Labor Laws and the Memoranda of Understanding (MOUs) of all bargaining units.
- The ER Team's HR Analysts provide consultative services regarding employee relations issues that include but is not limited to; performance management, classification and compensation analysis, and operational practices that involve MOU interpretation as it relates to the terms and conditions of employment. Members of the ER team monitor Extra Help workforce activities and Conflict of Interest Filers to ensure County Policy compliance.
- HR Analysts are responsible for managing EEOC issues and other workforce complaints on behalf of the Department and respond to EEO and DFEH inquiries regarding Harassment/Discrimination in the workplace. In addition, guidance on

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addressing non-disciplinary interventions and corrective action is provided in an advisory capacity. This may include conflict resolution as well as facilitation of training and education of Division employees, supervisors and managers. HR Analysts are responsible for working with various employee bargaining units for meet and confer issues as well as facilitation of grievance hearings. The ER Team collaborates with the SAFE Division/Return to Work Unit in the facilitation of reasonable accommodation requests and absence management along with the County's Risk Management's Integrated Disability Attendance Management (IDAM) team.

CCW/Business License Unit

- This Unit oversees the application process and issuing of concealed weapons permits and various business licenses required by County and Contract City ordinance. They also manage active licenses to ensure compliance and when necessary suspend and revoke licenses.

203.6.2 S.A.F.E. DIVISION

The S.A.F.E. Division consists of the Risk Management, S.A.F.E.,Internal Affairs and S.T.A.R. Bureaus.

Risk Management Bureau

The Risk Management Bureau works in close collaboration on legal issues with County Counsel, the County's Risk Management Office, and contract legal counsel. The Bureau evaluates policy, procedures; provides training to mitigate risk to the Department and its members; and manages civil litigation that arises. The Risk Management Bureau oversees the Department's Return to Work Program, Safety Program and the Traffic Collision Review Board.

The Risk Management Bureau contains the Civil Litigation Unit, the Return to Work Unit, and the Safety Unit.

Civil Litigation Unit

- This unit investigates and manages all claims and lawsuits against the department in coordination with County Risk Management. The unit strives to reduce Department liability exposure through proactive root cause and trend analysis. The unit also advises the Command Staff in mitigation efforts.

Return to Work Unit

- This unit assists the County's Workers' Compensation Unit in processing, tracking and monitoring work-related injury claims. This process is performed with the goal of supporting the injured Member and helping them return to work as quickly as possible. The Return to Work unit facilitates all transitional work assignments for Members seeking accommodations.

Safety Unit

- The Safety Unit ensures compliance with all state and federal safety regulations and facilitates all required Department safety training. The Traffic Collision Review Board is chaired by the Assistant Sheriff of the Professional Services Command. The

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board is composed of several department members from various divisions. They meet quarterly to review all traffic collisions involving an unintended event that produces damage, injury or death involving a Department Member and a Department assigned motor vehicle or watercraft; regardless of whether the vehicle is owned by the county, a city, or leased.

S.A.F.E. Bureau

The Strategy, Accountability, Focus, and Evaluation (S.A.F.E.) Bureau is tasked with revision and creation of policies and procedures to ensure that the Department meets and exceeds industry standards utilizing the best practices available. The ultimate goal of the unit is to reduce the Department's exposure to liability and create a streamlined system for supervisors and managers to support and promote the delivery of quality service; build competency; identify and address opportunities for improvement; and measure and celebrate successes. The following are some of the roles and responsibilities of the Bureau:

Use of Force

- Manages the Department's Use of Force database and provides regular reports to Department stakeholders identifying trends to be used for liability management. Qualifying use of force incidents are reported to the Department of Justice and other entities. Compliance review is completed prior to the enacting of legislative bills and any amendments to current laws. This is to ensure members of the department receive advice and guidance related to new legal requirements.

Policy

- The Sheriff Department contracts with LEXIPOL to provide a foundational policy manual. Over the years, sections have been tailored to meet the needs and desires of Executive Management. The policy team ensures our manuals are current with industry standards as well as the vision and direction of the Sheriff. All policies are approved by County Counsel prior to implementation. The policy team coordinates with all Department divisions, manages the Lexipol Policy Manual, and revises policy based on research, case law, best practices and the findings of various administrative reviews, such as the Critical Incident Review Board and the Administrative Review Board.

Commendations/Complaints/Pursuits

- Manage the database as it pertains to the entry of the employee commendations, civilian complaints, and pursuit critiques. Conduct an annual audit of civilian complaints as required by the Department of Justice. Ensure appropriate records are retained and/or purged per the Department's retention schedule and Policy 815-Legal Hold Policy. Create annual Racial and Identity Profiling Act/AB 953 (RIPA) and AB481 reports.

Critical Incident Review Board Presenter of Facts

- The purpose of the Critical Incident Review (CIR) is to identify and discuss issues requiring immediate action and/or additional follow-up. By doing so, it increases the Department's ability to recommend necessary changes to policies, procedures,

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practices, tactics, and training to assist personnel in dealing with future critical incidents.

Labor Relations

- The S.A.F.E. Bureau serves as the Department liaison with the various bargaining units on all labor relation and contract negotiation issues.

Internal Affairs Bureau

The Internal Affairs Bureau is responsible for conducting investigations of alleged misconduct by department members while ensuring appropriate due process and Peace Officer Bill of Rights assurances are provided. In addition, they are responsible for responding to officer involved shootings, firearm discharge incidents, and suspicious in-custody deaths.

Administrative Review Board Presenter of Facts

- The Administrative Review Board (ARB) serves as a quality control mechanism to ensure timely reviews of all specified critical incidents and to determine whether the facts warrant further administrative investigation. The ARB examines the department member's actions from a tactics, training, policy, and agency improvement perspective. The ARB will identify areas for improvement and provide recommendations to the Sheriff regarding the incident.

Administrative Response Team

- The purpose of the Administrative Response Team (ART) is to evaluate significant incidents and events from an administrative perspective and identify possible policy-related concerns, risk management and liability issues, training concerns, force and force options, tactics,supervisory involvement/control, equipment issues and other administrative factors.

S.T.A.R. Bureau

The Sustainability, Transparency, Accountability, and Review (S.T.A.R.) Bureau operates as an independent and objective entity that provides reasonable assurances and advisory needs to the Department. The bureau is responsible for the following services:

- **Risk Assessments** – identify and prioritize risks that may prevent a command from achieving its objectives and strategy.
- **Compliance Reviews** – assess operations to determine the adherence to policies and procedures.
- **Operational Reviews** – assess operations to determine efficiencies and effectiveness and identify areas of success and areas that need improvement.
- **Internal Control Reviews** – evaluate whether the internal control standards in place is operating as intended and identify areas of gaps.
- **Process Improvements** – identify opportunities for policy and process enhancements.
- **Special Projects** as needed.

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The S.T.A.R. Bureau works closely with each command to mitigate risks and monitor areas that may require corrective action. The bureau generates performance results of audit engagements which includes metrics to illustrate current trends and data analysis for management review.

The S.T.A.R. Bureau executes best practices and methodologies in accordance with the Generally Accepted Government Auditing Standards (GAGAS) to evaluate Department operations. In addition, it adds value by promoting accountability and transparency to ensure the Department achieves its mission, strategic plan, and goals.

203.6.3 TRAINING DIVISION

The Training Division is responsible for developing, scheduling and hosting law enforcement training for sworn peace officers as well as professional staff. Personnel from the Orange County Sheriff-Coroner's Department as well as local municipal and federal law enforcement agencies from throughout Orange County and surrounding areas regularly attend both Advanced Officer Training (AOT), courses required by the California Standards and Training for Corrections (STC) and courses required by California Peace Officer Standard and Training (POST). Classes are primarily held at one of two locations; the Sandra Hutchens Regional Law Enforcement Training Center located in the city of Orange and the Sheriff's Regional Training Academy located in the city of Tustin.

Sandra Hutchens Regional Law Enforcement Training Center

- The Sandra Hutchens Regional Law Enforcement Training Center is the location of the Tactical Training Center, Firearms Training Unit, and Advanced Officer Training. The Tactical Training Center consists of two instructional classrooms and a realistic street linedwith simulated houses and businesses. The Firearms Training Unit has an armory, three ranges on site and one mobile pistol range (MPR). AOT, STC and POSTclasses are taught in multiple instructional classrooms, including a computer training classroom.

The Sheriff's Regional Training Academy

- The Sheriff's Regional Training Academy located on the former Marine Corps, Lighter than Air Base (LTA) property in Tustin was officially opened in September of 2007 and facilitates up to six Basic Academies per year, as well as a modular training academy program. The site is jointly occupied by training command staff as well as our training partners from the Santa Ana College Criminal Justice offices. This 52,000 square foot, state of the art facility boasts four classrooms, indoor and outdoor recruit dining areas, an arrest and control techniques training area, a state of the art weight room, a special events room with a stage and seating for approximately 1,300 guests, dual obstacle courses, an outdoor running trail, a formal inspection grounds, and video production offices with a fully equipped production studio. The facility also houses the Sheriff's Mutual Aid Bureau and hosts Sheriff's Explorer and Reserve Officer meetings and training, as well as Citizens Emergency Response Team (CERT) training, pre-employment (PEP) and mentoring training, and more. Multiple agencies utilize the facility for recruiting and testing of law enforcement candidates. The site is also home to the Orange County Peace Officer's Memorial.

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203.6.4 RECORDS DIVISION

The Records and Property Division consists of several service areas, broken out into five bureaus: Records and Information Services, Inmate Records, Property and Evidence, Discovery and Media Analysis.

Information Management Bureau

- The Information ManagementBureau consists of six details, employing professional staff in a variety of support and technical functions. Their duties include, but are not limited to:processing California Public Records Act (CPRA) requests, subpoenas duces tecum (criminal and civil), summonses, record sealing, clearance letters, and local criminal record reviews. They maintain the local summary criminal history information in the Local Arrest Record System (LARS), ensuring the information is complete and accurate, and manage centralized record keeping, records management, and imaging systems. They conduct record searches for authorized law enforcement and criminal justice agencies, provide applicant fingerprinting, release crime reports to authorized individuals and agencies, and fulfill the National Incident Based Reporting System (NIBRS) reporting requirements to the Department of Justice. They maintaini a central file in the Automated Warrant Service System (AWSS) on all original warrants issued in Orange County . AWSSS operates 24/7 to run inquiries for officers in the field and make updates into the Wanted Persons System, Stolen Vehicle System, Missing Persons System, Automated Property System, Automated Boat System, Automated Firearms System, and Protection Orders System via the California Law Enforcement Telecommunication Systems (CLETS).
- This bureau is responsible for overseeing all department-wide Criminal Offender Record Information (CORI) and National Criminal Information Center/Criminal Justice Information System (NCIC/CJIS) and National Data Exchange (N-Dex) audits, conducted by the F.B.I. and the D.O.J.

Inmate Records Bureau

- The Inmate Records Bureau (IRB) operates 24 hours, seven days a week and is responsible for booking and tracking all subjects booked into the Orange County jail system. The team makes sure all booking information is correct and updates the Automated Jail System (AJS) as necessary, ensuring inmates are arraigned within the established timeframe. They track all court appearances, are responsible for sending inmates to court and ensure that court orders are being processed correctly. After sentencing, the team calculates the sentence ending dates and processes files for release. IRB staff also works with other state law enforcement agencies, out-of-state agencies, and Federal agencies to send and receive warrant information or to place out of county warrants or fugitive holds. This Bureau also provides information about inmates in custody to the general public, to Federal agencies such as the Social Security Administration, and to County agencies such as Child Support Services.

Property and Evidence Bureau

- The Property and Evidence Bureau receives and safeguards all evidence and property from the Sheriff's Department and County Law Enforcement Agencies. They produce

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evidence for investigative purposes and upon order of the court. They assist patrol and investigations with the collection of large amounts of property and evidence, and provide a field evidence booking team to assist officers with booking evidence into the automated system in the field. They coordinate the destruction of all narcotics and firearms authorized for destruction, and coordinate the disposition of all other property and evidence authorized to be purged from the system. This includes releasing property to the original owner or finder, disposing of contraband items, donating bicycles and toys to CSP (Community Service Program) or Orangewood Children's Home, converting items to Department use, and organizing property auctions.

Discovery Bureau

- The Discovery Bureau is responsible for processing and tracking "Discovery Requests." "Discovery" refers to the legal process of obtaining evidence or information from prosecuting attorneys and/or law enforcement agencies which investigated or prepared the case against the defendant. When a Discovery Request is received, an Investigative Assistant sends a request to the appropriate division or divisions to produce the material requested. The Discovery Bureau collects and delivers the material to the requesting party in a timely and professional manner.

Media Analysis Bureau

- The Media Analysis Bureau administers the department's body worn camera program and manages all digital multimedia facets, including classification, cataloging, redacting, and preserving the chain-of-custody of digital evidence. The bureau supports the Department by utilizing a digital evidence management system (DEMS) that stores and labels digital evidence captured in the field. Bureau staff processes digital case files containing related evidence to fulfill subpoena and discovery requests from the District Attorney's office and other law enforcement agencies including coordinating the public release of video footage per SB-1421 and AB-748.

203.6.5 COURT OPERATIONS DIVISION

The Court Operations Division provides Court Security and Civil Process Services to the Superior Court. The division's primary responsibilities are to:

(a) Provide law enforcement and security services to all Orange County Justice Centers to ensure the safety of the judiciary, staff, inmates, and public.

(b) Operate Weapons Screening stations at all Justice Center public entry points to prevent weapons, contraband, and other prohibited items from being brought into court facilities.

(c) Operate court detention facilities and provide for the care and custody of all inmates secured there for court hearings.

(d) Take custody of subjects remanded to the Orange County Sheriff's Department.

(e) Provide civil process services as mandated by the California Civil Code of Procedure.

The Court Operations Division includes the following geographic locations:

(a) Court Operations Administration Building (Santa Ana)

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(b) Central Justice Center (Santa Ana)

(c) Central Justice Center-Civil Complex Center (Santa Ana)

(d) Central Justice Center Community Court (Santa Ana)

(e) Lamoreaux Justice Center (Orange)

(f) North Justice Center (Fullerton)

(g) West Justice Center (Westminster)

(h) Harbor Justice Center (Newport Beach)

(i) Costa Mesa Justice Complex (Costa Mesa)

(j) CJ1-Courtroom located within the Central Men's Jail (Santa Ana)

Judicial Protection Unit (JPU)

(a) The Judicial Protection Unit (JPU) investigates all threats to judicial officers and their staff, conducts comprehensive threat assessment and management strategies, and provides dignitary protection. Additionally, the JPU Investigator investigates all criminal incidents that originate at any of the Justice Centers and assists the Civil Bureau with conducting threat assessments and surveillance for civil enforcement actions (evictions, restraining orders, asset seizures).A sergeant and an investigator are responsible for all aspects of the JPU and are assisted by court deputies that are assigned to the unit on an ancillary basis.

Civil Field Bureau

(a) The Civil Field Bureau is responsible for serving and enforcing subpoenas, orders, notices, summonses, restraining orders, and other processes of the court. Civil Field deputies seize property under court order, sell property seized to satisfy judgments, and enforce eviction orders.

Civil Professional Bureau

(a) The Civil Professional Bureau is responsible for receiving orders from the court and the public, collecting fees and preparing documents for service by the Civil Field Bureau. These documents include orders for hearing, restraining orders, subpoenas, writs, levies, evictions, and various other court orders for service.

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Departmental Directive

204.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Sheriff to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Departmental Directives shall generally be communicated to all personnel via memo, e-mail, fax, briefing item and/or training bulletin. Departmental Directives shall immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives shall be incorporated into the manual as required upon approval of SAFE Division personnel. Departmental Directives shall modify existing policies or create a new policy as appropriate and shall 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.

204.2 RESPONSIBILITIES

SAFE Division personnel shall review and approve revisions of the Policy Manual, which shall incorporate changes originally made by a Departmental Directive. Upon approval, the Policy Manual shall be updated to reflect approved changes.

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Public Relations

205.1 PURPOSE AND SCOPE

It is the policy of this Department to strive to gain public support and citizen cooperation with its programs and procedures in order to facilitate the accomplishment of Departmental objectives. The public attitude toward the Department is the result of the public's experiences and observations of the Department and its Members. Therefore, the performance and attitude of each Member shall be one of service and courtesy.

All Members shall develop a demeanor that is friendly, unbiased, and pleasant in all non-hostile situations and firm on occasions calling for regulations and control.

The appearance, attitude, habits, private life, and public contacts of individual Members affect the attitude of the public toward the Member and the Department. All Members shall examine their own conduct in all public contacts and avoid situations which unnecessarily bring discredit upon themselves or the Department.

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Disaster Plan

206.1 PURPOSE AND SCOPE

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

206.2 ACTIVATING THE DISASTER PLAN

The Disaster Plan can be activated in a number of ways. The Sheriff or the highest ranking official on duty may activate the Disaster Plan in response to a major emergency.

206.3 LOCATION OF MANUALS

Hard copies of the manual are available in Professional Standards and the Department Commander's office. Electronic versions of the manual are available for download on MY18. All supervisors should familiarize themselves with the Disaster Plan and what roles personnel shall play when the plan is implemented.

206.4 UPDATING OF MANUALS

The Sheriff or designee shall annually review the Disaster Plan Manual 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.

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Training

208.1 PURPOSE AND SCOPE

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

208.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all Members 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 shall use courses certified by the California Commission on Peace Officer Standards and Training (POST) and the Correctional Standards Authority (CSA).

208.3 OBJECTIVES

The objectives of the Training Program are to:

1. Enhance the level of law enforcement service to the public
2. Increase the technical expertise and overall effectiveness of our Members
3. Provide for continued professional development of Department Members

208.4 TRAINING PLAN

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

1. Legislative Changes/Legal Updates
2. State Mandated Training
3. Critical Issues Training

208.5 TRAINING RESPONSIBILITIES

The duty of the Training Division is to prepare and present as necessary training classes for Department Members and coordinate training presented within the Department. The Training Division also assists in the development of training bulletins and Department manuals and is responsible for the operation of all training facilities.

The Training Division is responsible for the operation of all firing ranges and the maintenance of Department owned firearms including related equipment. The Training Division will also maintain Departmental training records required by regulatory agencies and will coordinate, as requested, training of personnel by sources outside the Department.

The Training Division also utilizes Department videotape programs developed, prepared, and maintained by the Public Affairs Bureau Video Production Unit.

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208.5.1 TRAINING REQUIREMENT

The training requirement for Members of the Department is as follows:

1. Advanced Officer Training consists of 24 hours of training every two years in compliance with the Commission on Peace officer Standards and Training (POST) requirements.
2. Standards and Training for Corrections training consist of 24 hours annually in compliance with the Correctional Standards Authority Agreement.
3. Any additional training for newly hired personnel, sworn or professional staff, shall be presented as approved by the Commander of the Training Division.
4. For use of Department issued firearms at training, please refer to Policy 325.2.

Questions related to the stated training requirements should be directed to the Commander of the Training Division.

208.5.2 ATTENDANCE AT SCHEDULED TRAINING

No Member shall be absent from scheduled training without proper leave or permission from, or prior notification to, an on duty supervisor at the Member's primary work location. Failure to attend scheduled training without proper leave, permission, or prior notification as required by this policy may result in progressive discipline, up to and including termination.

Notification of absence shall be made at least 48 hours in advance of the scheduled training. Limited exceptions to this requirement are listed below. If such an unexpected absence occurs, the Member shall make notification to an on duty supervisor as soon as possible. Notification shall be made via the method below:

1. The Member shall notify an on duty supervisor at his or her primary work location via telephone or direct verbal contact, and provide the reason why they are not able to attend scheduled training. Leaving a voicemail message shall not be used as a method of proper notification.
2. The supervisor who was notified of the cancellation shall notify the Training Division via email to the email address canceltraining@ocsd.org before the end of the supervisor's shift. The following information shall be included:
    (a) The name and assigned work location of the Member requesting cancellation
    (b) The course the Member was scheduled to attend
    (c) The reason the Member is canceling training
    (d) The name and contact information of the supervisor requesting cancellation

Exceptions to the 48-hour advance notice requirement are as follows:

1. Personal or family medical emergency.
2. Any illness that would reasonably prevent the Member from making the 48-hour advance notification.
3. Mandatory court appearance.

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4. Notification by a Sergeant or higher rank to the Training Division requesting the Member be excused from training.
5. Physical limitation preventing the Member's participation in training.

208.5.3 POST PERISHABLE SKILLS AND STANDARDS AND TRAINING FOR CORRECTIONS TRAINING REQUIREMENTS

All sworn personnel who are assigned to complete any required training specified in Policy 208.5.1 shall complete the required training within the designated training cycle.

208.5.4 REQUIRED EQUIPMENT FOR SWORN MEMBERS

The Member shall bring all required equipment to all Department training, unless stated otherwise in a Department approved course specific training announcement.

For example, the Member shall bring a full Sam Browne consisting of no less than:

1. Duty Pistol
2. At least three loaded magazines
3. One pair of handcuffs
4. Baton
5. Department approved body armor

208.5.5 REQUIRED ATTIRE FOR TRAINING

Required attire for all Department training unless stated otherwise in a Department approved course specific training announcement.

Attire shall consist of:

1. Business Casual, or
2. Department approved duty uniform, or
3. Collared shirt, long pants, and closed toe shoes.

Prohibited training attire:

1. Shorts
2. Tank tops
3. Sandals/Flip Flops

Members must comply with Policy section 1018.22 when attending all training courses. Alternative training attire may be required to perform a functional task as part of an assigned training course. Any alternative attire not within the scope of Policy 1018.22 must be listed on the training course flyer.

208.5.6 PROPER IDENTIFICATION REQUIRED TO ATTEND ALL ORANGE COUNTY SHERIFF'S DEPARTMENT TRAINING

All Department Members shall bring appropriate identification to all training courses.

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Appropriate identification shall be considered one of the following government issued IDs:

1. State issued identification card or driver license
2. Law enforcement agency issued identification
3. Federal, county, or city issued identification

Failure to complete the training requirements per Policy 208.5 may result in progressive discipline, up to and including termination.

208.5.7 OUTSIDE TRAINING AND PROFESSIONAL DEVELOPMENT

The Department encourages Members to pursue professional development and educational opportunities that enhance individual knowledge, skills, and abilities.

Attendance at training courses, educational programs, seminars, conferences, certification courses, or other professional development opportunities that are not conducted, sponsored, or approved by the Department may be eligible for tuition reimbursement or other educational benefits in accordance with County and Department procedures.

Approval to attend a course or receive tuition reimbursement, educational credit, or other professional development benefits shall not constitute Department approval or authorization of any tactic, technique, procedure, legal interpretation, restraint method, use of force application, or operational practice presented during the training.

The Department does not evaluate, review, or endorse all content presented during outside training and makes no representation that such training is consistent with Department policy, Department-approved training, or applicable law.

208.5.8 MEMBER RESPONSIBILITY

Members shall perform their duties in accordance with applicable law, Department policy, Department-approved training, and established procedures.

When information presented during outside training conflicts with Department policy, Department-approved training, or applicable law, Members shall adhere to Department policy, Department-approved training, and applicable law.

Training received from outside sources shall not, by itself, authorize the use of any tactic, technique, procedure, restraint method, use of force application, or operational practice.

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Electronic Communication

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (e-mail) system by Members of this Department. E-mail is a communication tool available to Members 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 e-mail system must only be those that involve official business activities or contain information essential to Members for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

212.1.1 E-MAIL USAGE

All Department Members, with Department computer access shall check their Department e-mail daily, while on duty.

All first time users should obtain a logon name and temporary password by their network administrator.

If a Member works in an assignment or location that does not have Department Intranet access, the Member may contact Information Systems to gain access at their location.

Members can also check Department e-mail by using the internet. This is done by going to the following link: https://webmail.ocsd.org/exchange.

Members may access their Department e-mail while off duty; however, no Member shall be required to access their Department e-mail while off duty.

212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including attachments, transmitted over the Department computer network are considered Department records and, therefore, are the property of the Department. The Department reserves the right to access, audit, and disclose for whatever reason, all messages, including attachments, transmitted over its e-mail system or placed into its storage.

The e-mail system is not a confidential system since all communications transmitted on, to, or from the system are the property of the Department. Therefore, the e-mail 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 e-mail. Members using the Department's e-mail system shall have no expectation of privacy concerning communications utilizing the system.

212.3 PROHIBITED USE OF E-MAIL

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

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E-mail 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 an Assistant Sheriff. 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 minimizes the misuse of an individual's e-mail, name, and/or password by others.

212.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages (the mailbox size is limited to 99 GB) e-mail that the Member desires to save or that becomes part of an official record should be printed. Users of e-mail are solely responsible for the management of their mailboxes. Any message that is not needed should be deleted.

The following schedule is utilized to store and/or retain e-mail:

1. E-mail shall be kept for 12 months on the Exchange Server.
2. E-mail older than 1 year will be archived and stored for up to 2 years.

212.4.1 E-MAIL ETIQUETTE

The Department considers e-mail an important means of communication and recognizes the importance of proper e-mail content and speedy replies in conveying a professional image and delivering good customer service. Therefore the Department wishes users to adhere to the following guidelines:

1. Writing e-mails:
   (a) Write well-structured e-mails and use short, descriptive subjects.
   (b) The Department's e-mail style is informal. This means that sentences can be short and to the point. You can start your e-mail with 'Hi,' or 'Dear,' and the name of the person. Messages can be ended with 'Best Regards.' The use of Internet abbreviations and characters such as smileys, however is not encouraged.
   (c) Use the spell checker before you send out an e-mail.
   (d) Do not send unnecessary attachments.
   (e) Do not write e-mails in all capital letters.
   (f) Do not use cc: or bcc: fields unless the cc: or bcc: recipient is aware that you will be copying a mail to him/her and knows what action, if any, to take.
   (g) If you forward mails, state clearly what action you expect the recipient to take.
   (h) Only send e-mails in which the content could be displayed on a public notice board. If they cannot be displayed publicly in their current state, consider rephrasing the e-mail, using other means of communication, or protecting information by using a password.
   (i) Only mark e-mails as important if they really are important.
2. Newsgroups:

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(a) Users need to request permission from their supervisor before subscribing to a newsletter or newsgroup.

212.4.2 PERSONAL USE

Although the Department's e-mail system is meant for business use, the Department allows the reasonable use of e-mail for personal use if certain guidelines are adhered to:

1. Personal use of e-mail should not interfere with work.
2. Personal e-mails must also adhere to the guidelines in this policy.
3. The forwarding of chain letters, junk mail, jokes, and executables is strictly forbidden.
4. Do not send mass mailings.
5. All messages distributed via the Department's e-mail system, even personal e-mails, are property of the Department.

212.4.3 TEXT MESSAGING

The purpose of this policy is also to establish guidelines for the proper use and application of text messaging by Members of this Department. Because of technical advances and varying manufacturer nomenclature, this policy refers to all Department-issued electronic communication devices and includes all mobile phones, PDAs, and other such wireless two way communication devices.

Text messaging is a communication tool available to Members to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law. Messages transmitted over a text messaging system must only be those that involve official business activities or contain information essential to Members for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

212.4.4 TEXT MESSAGING RIGHT OF PRIVACY

All text messages transmitted on equipment issued by the Department are considered Department records and, therefore, are the property of the Department. The Department reserves the right to access, audit, and disclose for whatever reason, without notice to Members, all messages, including text transmitted on equipment issued by the Department. Therefore, text messages are not appropriate for personal communications. If a communication is personal, an alternative method to communicate the message should be used. There is no reasonable expectation of privacy in the use of Department-issued equipment.

212.4.5 PROHIBITED USE OF TEXT MESSAGING

Sending or forwarding derogatory, defamatory, obscene, disrespectful, offensive, racist, sexually suggestive, harassing, or any other inappropriate messages via text message is prohibited and will not be tolerated.

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Federal Security Clearances

214.1 PURPOSE AND SCOPE

Security clearance is a determination by the United States Government. Eligibility for access to classified information, commonly known as a security clearance, is granted only to those for whom an appropriate personnel security background investigation has been completed. It must be determined that the individual's personal and professional history indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and a willingness and ability to abide by regulations governing the use, handling, and protection of classified information. A determination of eligibility for access to such information is a discretionary security decision based on judgments by appropriately trained adjudicative personnel. Eligibility shall be granted only where facts and circumstances indicate access to classified information is clearly consistent with the national security interests of the United States. Access to classified information will be terminated when an individual no longer has need for access.

This policy recognizes federal security clearances are a necessary asset and tool for Department Members in specific job assignments. The security clearances allow the Department Members to interact more closely with federal and state officials and provides the Member with access to classified information. This policy will govern the issuance and retention of security clearances for Department Members.

214.2 TYPES OF SECURITY CLEARANCES

There are two primary security clearances a Department Member may apply for and obtain. They are:

1. Secret Clearance: Gives the Member access to information on a need-to-know basis which its unauthorized disclosure could cause **serious damage** to national security.
2. Top Secret Clearance: Gives the Member access to information on a need-to-know basis which its unauthorized disclosure could cause **exceptionally grave damage** to national security.

214.3 APPROVAL BY THE SHERIFF

All applicants, regardless of assignment, must receive approval from the Sheriff or his/her designee prior to being nominated for a security clearance. Supervisors of applicants shall submit a memo to the Commander of the Investigations Division who shall request approval nomination from the Sheriff. A copy of the approved memo shall be memorialized in the Department Member's personnel file.

214.4 APPLICATION PROCEDURE

1. Upon nomination, the Department Member shall contact the Joint Terrorism Task Force (JTTF) Sergeant or the Orange County Intelligence Assessment Center (OCIAC) security liaison to receive a security clearance application.

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2. Background Investigation

    (a) The scope of the investigation varies with the level of the clearance being sought. It is designed to allow the United States Government to assess whether a candidate is sufficiently trustworthy to be granted access to classified information. Applicants must meet certain criteria relating to their honesty, character, integrity, reliability, judgment, mental health, and association with undesirable persons or foreign nationals.

3. Length of Time

    (a) Completion of a thorough background investigation shall take approximately 45 days to 18 months.

214.5 SECURITY CLEARANCES ROSTER

1. The JTTF Sergeant shall maintain a roster of all Department Members who have FBI security clearances, and the OCIAC security liaison shall maintain a roster of all Department Members who have Department of Homeland Security (DHS) security clearances.

2. On a bi-annual basis, the sergeant and security liaison shall distribute a copy of the roster to OCSD Internal Affairs and to the Professional Standards Division (PSD) for cross-reference.

    (a) When PSD receives separation paperwork from a Member who is listed as having a security clearance, PSD will notify the appropriate security liaison.

214.6 ACCESS TO CLASSIFIED INFORMATION

Access to classified information is restricted by law to particular groups of people with the necessary security clearance and a need to know. Based on public safety, the safety of Department Members and/or operational needs, it may be necessary to share classified information with Members of Department Command Staff who do not possess a security clearance. Prior to sharing classified information, the Department Member shall obtain permission to share the information through the JTTF or OCIAC chain of command.

214.7 SECURITY CLEARANCE DEACTIVATION

Department Members who transfer out of a unit requiring a security clearance will have their clearance deactivated unless approved by the Sheriff or his/her designee. The clearance can be reactivated if the Department Member is transferred back into a unit that requires a security clearance or if the Sheriff or his/her designee deems it necessary. Deactivation and reactivation will be coordinated and completed through the JTTF Sergeant or the OCIAC security liaison, depending on what type of security clearance the Member had/has obtained.

214.8 REVOCATION OF SECURITY CLEARANCES

Security clearances may be revoked due to a number of factors. Federal agencies adhere to the Adjudication Guidelines which establish 13 potential justifications for denying or revoking federal security clearances.

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If any allegation similar to those listed below is brought to the attention of the Department regarding a Department Member who possesses a security clearance, the Department shall notify the appropriate U.S. Government agency for further investigation.

1. **Allegiance to the United States**: Affiliating with or sympathizing with terrorists or overthrow of the government;
2. **Foreign Influence**: Association with foreign citizens or businesses that could lead to coercion;
3. **Foreign Preference**: Conflict of interest due to dual citizenship, service in a foreign military, or receiving benefits from another country;
4. **Outside Activities**: Involvement with any foreign individual or organization engaged in dissecting or disseminating material relating to U.S. defense, foreign affairs, intelligence, or protected technology;
5. **Criminal Conduct**: Conviction for a serious crime or multiple lesser offenses; allegations or admission of criminal activity;
6. **Security Violations**: Willful breaches, unauthorized or reckless disclosure of classified information;
7. **Misuse of Information Technology**: Unauthorized access (hacking), malicious coding, hindering access to systems, removing hardware or software, disabling security measures;
8. **Personal Conduct**: A wide spectrum, such as associating with known criminals, hindering a clearance investigation, giving false information, or reports from past employers or neighbors of unsavory behavior;
9. **Sexual Behavior**: Criminal acts, sex addiction or sexual activities that compromise the Member or show lack of judgment;
10. **Financial Considerations**: Unexplained wealth, heavy debts, gambling addiction or a pattern of being irresponsible with money and financial obligations;
11. **Alcohol Consumption**: Alcohol-related incidents, medical diagnosis of alcohol abuse, relapse after treatment;
12. **Drug Involvement**: Drug-related incidents, diagnosis of drug addiction, using drugs after rehabilitation**;**
13. **Psychological Conditions**: Failure to follow prescribed treatment for emotional, mental or personality disorders; a pattern of incidents or high-risk, aggressive or unstable behaviors.

214.9 FOREIGN TRAVEL

1. Whenever a Member with a DHS security clearance travels outside the U.S., he or she must complete a DHS Notification of Foreign Travel Form (DHS 11043-1) and send it to the DHS Security Liaison at the OCIAC 30 days before he or she departs. The DHS Security Liaison shall forward the form to the DHS. If a security brief needs to occur before or after the foreign travel, the Member shall be notified by DHS or the DHS Security Liaison.

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(a) The DHS Notification of Foreign Travel Form (DHS Form 11043-1) can be obtained from the DHS Security Liaison at the OCIAC.

2. Whenever a Member with an FBI security clearance travels outside the U.S., he or she must submit an FBI Report of Foreign Travel Form (FD-772) 30 days before departing.

   (a) When the Member returns from his or her travel, they must submit an FBI Foreign Travel Debrief Form (FD-772b) within seven days of returning.

   (b) If the Member had any "significant" foreign contact, he or she must submit an FBI Report of Foreign Contact Form (FD-981) within seven days of returning.

   (c) All FBI forms can be obtained from the JTTF sergeant.

214.10 SEPARATION FROM THE DEPARTMENT

Prior to separating from the Department, a Member who possesses a security clearance shall arrange a debrief with the JTTF sergeant or OCIAC security liaison.

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Confidential Information

215.1 PURPOSE AND SCOPE

Members of the Department shall treat as confidential the official business of the Department, and shall not impart the same to anyone except those for whom it is intended or as directed by their superiors. Members shall not make known to any person the contents of any order or directive, which they may receive, unless so required by the nature of the order.

215.2

Members shall not deliver addresses at public gatherings containing confidential information concerning the Department nor shall they make any statements for publication or dissemination concerning the plans, policies, or affairs of the Department, unless authorized to do so.

215.3

Departmental Members, when representing the Department, shall not make any statement criticizing any person, public/private agency, official, or any law enforcement agency.

215.4

Information in any file, in or available to this Department, may be released or divulged on a need-to-know basis, only to persons or agencies having the proper authority.

215.5

No person in possession of juvenile record information shall release to third parties the identity of any person subject to the proceedings of juvenile court law, or any other information about the person's involvement, without the express permission of the Presiding Judge of the Juvenile Court. WIC Section 827(a).

215.6

A parent is entitled to a copy of a police report upon request to the police agency ONLY if that parent's child is the only juvenile involved, unless all juveniles are siblings. To furnish such information requires the requesting party to petition the Presiding Judge of the Juvenile Court for a court order allowing for the release of the names of other involved minors.

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Staffing Levels

216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance Member's needs against the need to have flexibility and discretion in using Members to meet operational objectives. While balance is desirable, the paramount concern is the need to meet the operational objectives of the Department.

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least two regular supervisors on duty whenever possible. Department Commanders shall ensure that at least one field supervisor is deployed during each watch, in addition to the Department Commander.

216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, deputies may be used as field supervisors.

A field supervisor may act as Department Commander for a limited period of time with prior authorization from the Assistant Sheriff of Patrol Operations.

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License to Carry a Concealed Weapon

218.1 TERMINOLOGY AND AUTHORITY FOR CCW LICENSING

Within the confines of Policy 218, the terms "Sheriff," "authorized designee," "the Department," and "the CCW Licensing Unit" are utilized interchangeably to denote the authority vested in the Orange County Sheriff's Department to issue a Concealed Carry Weapon (CCW) license.

218.2 PURPOSE AND SCOPE

This policy shall provide a written process for the application and issuance of CCW licenses where the application was received on or after January 1, 2024 (Penal Code § 26205(b)). The Sheriff applies the prior laws (except for the requirements of Penal Code §§ 26150(a)(2), 26155, and 26170), and former policy for issuance of CCW licenses on applications received on or before December 31, 2023.

All applications to carry concealed firearms shall be fairly and impartially considered in accordance with applicable law and this policy.

218.3 APPLICANT CATEGORIES

New Applicant: An individual who currently does not have a County of Orange CCW license, or their previous County of Orange CCW license has expired.

Renewal Applicant: A County of Orange CCW licensee who currently has a valid license and has submitted their application for renewal prior to their current license's expiration date.

218.4 QUALIFICATION OF APPLICANTS

An applicant will be issued a license to carry a concealed firearm upon proof that the applicant is:

1. Not a disqualified person as outlined in Policy section 218.6, (Penal Code § 26202).
2. At least 21 years of age (Penal Code § 26150(a)(2)). A resident of the County of Orange, or has a principal place of employment or business in the County of Orange, and the applicant spends a substantial period of time in that place of employment or business (Penal Code§ 26150(a)(3)).
3. The recorded owner with the Department of Justice of the pistol, revolver, or other firearm for which the license will be issued (Penal Code § 26150(a)(5)).
4. Provide proof of completion of required training (Penal Code § 26165).
5. Not a prohibited person pursuant to Penal Code § 26185 (See also Penal Code § 26195).

218.5 APPLICATION PROCESS

The application process for a license to carry a concealed weapon must be completed by all applicants, new and renewal. Applicants shall advance through the process until the license is either denied or issued, unless the application is withdrawn.

1. Application - Phase one (all applicants):

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(a) Any individual applying for a license to carry a concealed weapon shall complete a California Department of Justice (DOJ) Application (BOF 4012).The completed application shall be submitted and signed, under penalty of perjury.

(b) If, during the review and assessment of an application it is determined that an applicant provided false information or statements on the application, the application will be denied and the applicant may be referred for criminal prosecution(Penal Code § 26180).

(c) If, at any step of the application process, the Sheriff or authorized designee determines that the application package is incomplete, they will do one of the following:

1. Reject an incomplete application. An incomplete application may be resubmitted, in complete form, at any time by the applicant. The date of submission shall be the date the completed application is submitted.

2. Issue a denial of the application if the materials submitted demonstrate that the applicant would not qualify for a license to carry a concealed firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, etc.).

2. Investigation of the Applicant (Penal Code § 26202).

3. In accordance with Penal Code § 26202(b) and (c), the investigation of the Applicant to determine disqualified person status will include, but not necessarily be limited to the following:

4. Interview:

(a) As part of the application process, the applicant shall schedule an in-person interview with the Sheriff or authorized designee. During the interview, there will be further discussion of the applicant's application materials, information obtained through the background investigation, and any potential license restrictions or conditions.

5. Psychological Examination: As per Penal Code § 26190(e):

(a) If a psychological assessment on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist acceptable to the licensing authority. The applicant may be charged for the actual cost of the assessment. In no case shall the amount charged to the applicant for the psychological assessment exceed the reasonable costs to the licensing authority.

(b) Additional psychological assessment of an applicant seeking license renewal shall be required only if there is compelling evidence of a public safety concern to indicate that an assessment is necessary. The applicant may be charged for the actual cost of the assessment. The applicant will be responsible for all associated costs of the assessment. In no case shall the cost of psychological assessment exceed the reasonable costs to the licensing authority.

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(c) If an applicant is referred for psychological testing as outline above,the cost of such psychological testing shall be paid by the applicant, but shall not exceed the reasonable costs to the Department, which is defined as the negotiated contract rate the Department pays for psychological testing of employees.The purpose of any psychological testing is to determine whether the applicant is reasonably likely to be a danger to self, others, or the community at large. This testing is not intended to certify in any other aspect that the applicant is psychologically fit. If it is determined that the applicant is likely a danger to himself/herself, others or the community at large , the application shall be denied (Penal Code §§ 26190(e), 26202(a)(1)).

6. Application - Phase two (to be completed only by those that are not determined disqualified in phase one):

(a) Live Scan Fingerprinting:

1. Applicants will be required to submit to a Live Scan (fingerprinting) criminal background check, at their own expense, and a local records check as part of the application process. Upon receipt of the criminal background results from the California Department of Justice, FBI, and local records check, the CCW licensing unit will conduct an additional evaluation.

2. Applicants may use any Live Scan fingerprinting service authorized by the California Department of Justice to complete the fingerprinting process.

3. A current list of Live Scan locations is available on the DOJ website at www.ag.ca.gov/fingerprints/publications/contact.php.

NOTE: Some applicants may prematurely submit to the Live Scan, meaning that the Sheriff may receive the Live Scan results during Phase One of the application process. If the Sheriff receives an applicant's Live Scan results in Phase One, the Sheriff may rely on those results to make the initial determination that the applicant is a disqualified person.

(a) Training & Firearm Safety:

1. The applicant shall successfully complete a course of training approved by the Department, which complies with Penal Code § 26165. The applicant shall not be required to complete or pay for any training courses prior to a conditional approval. The applicant is responsible for the payment of any fee associated with the training and certification required by Penal Code § 26165.

2. As part of the Department approved training course, the applicant shall successfully complete a departmentally approved firearms safety and proficiency examination with each firearm to be licensed, and provide proof of successful completion. The cost of any training, inspection, and examination shall be the responsibility of the applicant (Penal Code § 26165(a)(5)).

3. Training certificate must be completed by an approved training provider within six months of the date of submission of their application. Any correction or alteration to the certificate by the applicant will deem the certificate invalid and the application may be revoked or denied.

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4. The applicant's firearm(s) is/are subject to inspection at the discretion of the Sheriff or authorized designee. The Sheriff or authorized designee reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is deemed unsafe (Penal Code § 31910).

(b) Application Fees:

1. The applicant shall be required to pay all application fees associated with the CCW licensing process. Application fees include a County processing fee and a Department of Justice application processing fee (Penal Code § 26190).
2. Fees will be collected once application is approved.
3. Applicants shall pay the DOJ application processing fee when they are fingerprinted. Fees shall be paid directly to the Live Scan fingerprinting service provider. The County of Orange fee for an initial license is waived for Reserve Peace Officers and Sheriff's Special Officers with the Orange County Sheriff's Department.
   (a) The California Department of Justice fee for an initial license cannot be waived by the County.
4. The County's fee does not include any additional fees required for training or psychological testing.
5. All fees paid are non-refundable.

218.6 DISQUALIFIED PERSON DETERMINATION

An applicant shall be denied a license if the applicant is determined to be a disqualified person as outlined in Penal Code §26202. An applicant shall be deemed a disqualified person if the applicant:

1. Is reasonably likely to be a danger to self, others, or the community at large, as demonstrated by anything in the application for a license or through the investigation described in subdivision (b), or as shown by the results of any psychological assessment, including, but not limited to, the assessment described in subdivision (e) of Penal Code § 26190.
2. Has been convicted of contempt of court under Penal Code § 166.
3. Has been subject to any restraining order, protective order, or other type of court order issued pursuant to the following statutory provisions, unless that order expired or was vacated or otherwise canceled more than five years prior to the Sheriff receiving the completed application:
   (a) Section 646.91 or Part 3 (commencing with Section 6240) of Division 10 of the Family Code.
   (b) Part 4 (commencing with Section 6300) of Division 10 of the Family Code.
   (c) Sections 136.2 and 18100 of the Family Code.
   (d) Sections 527.6, 527.8, or 527.85 of the Code of Civil Procedure.
   (e) Sections 213.5, 304, 362.4, 726.5, or 15657.03 of the Welfare and Institutions Code.

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4. In the 10 years prior to the Sheriff receiving the completed application for a new license or a license renewal, has been convicted of an offense listed in Penal Code §§ 422.6, 422.7, 422.75, or 29805.
5. Has engaged in an unlawful or reckless use, display, or brandishing of a firearm.
6. In the 10 years prior to the Sheriff receiving the completed application for a new license or a license renewal, has been charged with any offense listed in Penal Code §§ 290, 667.5, 1192.7, 1192.8, or 29805 that was dismissed pursuant to a plea or dismissed with a waiver pursuant to People v. Harvey (1979) 25 Cal.3d 754.
7. In the 5 years prior to the Sheriff receiving the completed application for a new license or a license renewal, has been committed to or incarcerated in county jail or state prison for, or on probation, parole, post release community supervision, or mandatory supervision as a result of, a conviction of an offense, an element of which involves controlled substances, as described in Sections 11053 to 11058, inclusive, of the Health and Safety Code, or alcohol.
8. Is currently abusing controlled substances, as described in Sections 11053 to 11058, inclusive, of the Health and Safety Code, or alcohol.
9. In the 10 years prior to the Sheriff receiving the completed application for a new license or a license renewal, has experienced the loss or theft of multiple firearms due to the applicant's lack of compliance with federal, state, or local law regarding storing, transporting, or securing the firearm. For purposes of this paragraph, "multiple firearms" includes a loss of more than one firearm on the same occasion, or the loss of a single firearm on more than one occasion.
10. Failed to report a loss or theft of a firearm as required by Penal Code §§ 25250 or any other state, federal, or local law requiring the reporting of the loss of a firearm.

218.6.1 OTHER BASES FOR DENYING AN APPLICATION

The following are other bases upon which an applicant will be denied a CCW license. An applicant denied a CCW license for any of the following reasons is not a "disqualified person" as defined in Penal Code § 26202:

1. The applicant is determined to be prohibited from owning or possessing firearms pursuant to Penal Code §§ 29800, 29805, or 29900, Welfare and Institutions Code §§ 8100 or 8103, 18 U.S.C. § 922(g), or any state or federal law (Penal Code § 26195(a)).
2. Knowingly making a material false statement on the application (Penal Code § 26180).

218.7 INITIAL DETERMINATION (PENAL CODE § 26202(D))

Within 90 days of receiving the completed application for a new license or a license renewal, the Sheriff will give written notice to the applicant of the Sheriff's initial determination, based on its investigation thus far, of whether an applicant is a disqualified person pursuant to Penal Code §§ 26150, 26155, or 26170 as follows:

1. If the Sheriff makes an initial determination that, based on its investigation thus far, the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements specified in Penal Code § 26165. The Sheriff shall then

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submit the applicant's fingerprints or the renewal notification to the Department of Justice in accordance with Penal Code § 26185.

2. If, within 90 days of receiving the completed application for a new license or a license renewal, the Sheriff determines that the applicant is a disqualified person, the notice shall inform the applicant that the request for a license has been denied, state the reason as to why the determination was made, and inform the applicant that they may request a hearing from a court, as outlined in Penal Code § 26206. Providing notice as set forth in this paragraph satisfies the requirement to provide notice of a denial of a license pursuant to Penal Code § 26205.

218.7.1 FINAL DETERMINATION OF APPROVAL OR DENIAL

The Sheriff has 120 days from receiving the initial completed application to determine if the applicant is approved or denied. However, that 120 days may be extended or more than 30 days from receiving the DOJ information and report (Live Scan Fingerprinting) (Penal Code § 26185(a)(2) and Penal Code § 26205).

1. For renewal applications, the Sheriff has 120 days from receiving the completed application to provide written notification of whether the CCW license is approved or denied.

218.7.2 NOTICE OF RIGHT TO REQUEST A HEARING

If a new or renewal license is denied or revoked based on a determination that the applicant is a disqualified person as set forth in Penal Code § 26202(a), the Sheriff is required to include the Notice of Right to Request a Hearing with the notice of denial. The Notice of Right to Request a Hearing is only sent when the basis for denying the license is that the applicant has been determined a disqualified person pursuant to Penal Code § 26202(a). The Sheriff shall provide the applicant with the notice of the denial and the right to request a hearing when the denial is based on disqualified person status, as follows:

1. Within 90 days of receiving a completed application if the applicant is deemed a disqualified person during the initial determination. (Penal Code § 26202(d)).
2. Within the timeframes addressed in Policy section 218.7.1 if the denial is based upon determining the applicant is a disqualified person after the initial 90 days from application.
3. At the same time the notice of revocation is sent when the basis for revocation is the licensee has become a disqualified person since the license was granted. (Penal Code § 26195(b)(1)(D)).

The notice shall state the reason why the determination of disqualified person was made and also inform the applicant that they may request a hearing from a court, to review the denial or revocation. The Sheriff will include, with the Notice of Disqualified Person Determination, a copy of the most recent "Request for Hearing to Challenge Disqualified Person Determination" form prescribed by the Department of Justice (Penal Code § 26206).

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218.8 ISSUED CONCEALED WEAPON LICENSE

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

1. The license shall not be valid outside the State of California, unless recognized by another State.
2. The license shall 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 the person may carry the concealed weapon.
3. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
4. The licensee shall be required to sign a Terms of License Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
5. The Department will issue the license in the form promulgated by the State Attorney General pursuant to Penal Code § 21675(a)(3)(A), form BOF 4501. When carrying a concealed weapon, the licensee must present the CCW license to a peace officer upon request.
6. Each license shall be numbered and clearly identify the licensee.
7. All licenses shall be subject to inspection by the Sheriff or any law enforcement officer.
8. Term of a Concealed Weapon License:
   (a) A license based on residency and where the licensee does not have special status as outlined below, shall be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
   (b) A license issued to a state or federal magistrate, commissioner, or judge who is a resident of the County of Orange shall be valid for a period not to exceed three years (Penal Code § 26220 (c)).
   (c) A license issued under Penal Code § 26170 to any reserve peace officer appointed by the Sheriff pursuant to Penal Code § 830.6, who is also a resident of Orange County, shall 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 (Penal Code § 26220(e)).
   (d) A license issued based on the licensee's place of employment or business being in Orange County, the license shall be valid for 90 days (Penal Code § 26220(b)).
   (e) If the licensee's place of residence in Orange County was the basis for issuance of a license, and the licensee moves out of Orange County, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

218.8.1 LICENSEE'S DUTY TO NOTIFY THE SHERIFF

1. A licensee shall notify the CCW Licensing Unit in writing within ten days of any change of place of residency. Failure to notify the Sheriff of a change in the place of residency may result in revocation of the license (Penal Code § 26210 (b)).

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2. The licensee shall notify the CCW Licensing Unit in writing within five days of any arrests, law enforcement contact resulting from a criminal investigation, or when the licensee becomes subject of a restraining order.

218.8.2 LICENSE RESTRICTIONS

In accordance with Penal Code § 26200, while carrying a firearm as authorized by a license issued by the Sheriff, the licensee shall not:

(a) Consume any alcoholic beverage or controlled substance as described in Health and Safety Code sections 11053 to 11058, inclusive.

(b) Be in a place having a primary purpose of dispensing alcohol for on-site consumption.

(c) Be under the influence of any alcoholic beverage, medication, or controlled substances as described in Health and Safety Code sections 11053 to 11058, inclusive.

(d) Carry a firearm not listed in the license or a firearm for which the licensee is not the recorded owner.

(e) Falsely represent to a person that the licensee is a peace officer.

(f) Engage in unjustified display of a deadly weapon.

(g) Fail to carry the license on their person.

(h) Impede a peace officer in the conduct of their activities.

(i) Refuse to display the license or to provide the firearm to a peace officer upon demand for purposes of inspecting the firearm.

(j) Violate any federal, state or local criminal law.

(k) Carry more than two concealed firearms under the licensee's control at one time.

The above list is non-exhaustive and does not preclude the Sheriff or authorized designee from imposing other reasonable restrictions as to the time, place, manner, and circumstances under which the licensee may carry a concealed weapon (Penal Code § 26200(b)).

218.8.3 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 (Penal Code § 26215).A license may be amended to do the following:

1. Add or delete a firearm listed on the license. If the requested amendment is to add a new firearm, the Sheriff or authorized designee will determine whether the licensee is the recorded owner of the firearm. A firearm will be added to a license only if the licensee is the recorded owner (Penal Code § 26162).
2. Change restrictions or conditions previously placed on the license.
3. Change the address or other personal information of the licensee (Penal Code § 26210).
4. The applicant's firearm(s) is/are subject to inspection at the discretion of the Sheriff or authorized designee. The Sheriff or authorized designee reserves the right to deny a

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license for any firearm that has been altered from the manufacturer's specifications or that is deemed unsafe (Penal Code 26190).

Any amendment to a valid license which is approved by the Sheriff or authorized designee, shall require a new license to be issued reflecting the amendment. An amendment to any license shall not serve to extend the original expiration date and an application for an amendment shall not constitute an application for renewal of the license.

218.8.4 REVOCATION OF LICENSES

Any license issued by the Sheriff shall be immediately revoked by the Sheriff or authorized designee for any of the following reasons:

1. The licensee has violated any of the restrictions or conditions placed upon the license as set forth in or imposed in accordance with Penal Code § 26200. (Penal Code § 26195(b)(1)(B)).
2. The licensee is determined by the licensing authority or the DOJ to be prohibited by state or federal law from owning or purchasing a firearm (Penal Code § 26195(b)(1)(A)).
3. It is determined that any information provided by a licensee in connection with an application for a new or renewal license is inaccurate or incomplete (Penal Code § 26195(b)(1)(C)).
4. A licensee has become a disqualified person and cannot receive such a license (Penal Code § 21695(b)(1)(D)).

If a license is revoked, the Sheriff or authorized designee shall immediately notify the licensee in writing and provide notice to the California DOJ (Penal Code § 26195(b)(3) and Penal Code § 26225).

1. If a license is revoked based on a determination that the applicant is a disqualified person, as set forth in Penal Code § 26202, the Notice of Revocation sent by the Sheriff shall include a copy of the most recent "Request for Hearing to Challenge Disqualified Person Determination" form prescribed by the Department of Justice under this section (Penal Code § 26206).

218.8.5 LICENSE RENEWAL

Renewal Applicant: A County of Orange CCW licensee who currently has a valid license and has submitted their application for renewal prior to their current license's expiration date.

Within 120 days prior to the expiration of any valid license to carry a concealed firearm, the licensee may apply to the Sheriff for a renewal by:

1. Verifying all information submitted in the renewal application under penalty of perjury.
2. Completing a Department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to a conditional approval.
3. Paying a non-refundable renewal application fee:

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(a) The County of Orange fee for renewal of a license is waived for Reserve Peace Officers and Sheriff's Special Officers with the Orange County Sheriff's Department. The California Department of Justice fee for renewal of a license cannot be waived by the County and must be paid..

(b) The applicant's firearm(s) is/are subject to inspection at the discretion of the Sheriff or authorized designee. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is deemed unsafe (Penal Code § 31910).

Once the Sheriff or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a concealed firearm shall either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 120 days of receipt of the renewal application. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

218.9 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Sheriff shall maintain a record of the following and immediately provide copies of each to the California DOJ:

1. The denial of a license
2. The denial of an amendment to a license
3. The issuance of a license
4. The amendment of a license
5. The revocation of a license

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

218.10 CONFIDENTIAL RECORDS

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

Any information in an application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 7923.800).

218.11 CCW TRAINING PROVIDERS

218.11.1 TRAINING REQUIREMENTS FOR NEW APPLICANTS

As part of the state requirements under Penal Code § 26165, the course of training for issuance of a license may be any course acceptable to the Sheriff that is no less than sixteen (16) hours in length and include the following:

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(a) Instruction on firearm safety, firearm handling, shooting technique, safe storage, legal methods to transport firearms and securing firearms in vehicles, laws governing where license holders may carry firearms, laws regarding the permissible use of a firearm, and laws regarding the permissible use of lethal force in self-defense.

(b) The course shall include a component, no less than one hour in length, on mental health and mental health resources.

(c) Except for the component on mental health and mental health resources, the course shall be taught and supervised by firearms instructors certified by the Department of Justice pursuant to Penal Code § 31635, or in a manner to be prescribed by regulation.

(d) The course shall require students to pass a written examination to demonstrate their understanding of the covered topics.

(e) The course shall include live-fire shooting exercises on a firing range and shall include a demonstration by the applicant of safe handling of, and shooting proficiency with, each firearm that the applicant is applying to be licensed to carry.

218.11.2 TRAINING REQUIREMENTS FOR RENEWAL APPLICANTS

For license renewal applicants, the course of training shall be no less than eight (8) hours in length and shall include instruction on the subject matter outlined in subsections (a) – (e) of Policy section 218.11.1.

An applicant should refrain from completing the training requirements until the applicant receives an initial determination about whether the applicant is a disqualified person pursuant to paragraph (1) of subdivision (d) of Penal Code § 26202.

218.12 TRAINING PROVIDER APPROVAL PROCESS

1. A training provider that wishes to be approved by the Sheriff must provide the following:
   (a) Proof that the provider is a CCW Program DOJ Certified Instructor (BOF 1034):
      1. If the date on the proof of CCW Program DOJ Certified Instructor is more than one calendar year from the date the provider applies to be on the Sheriff's approved list, the provider must show a valid Certificate of Eligibility (COE) issued under Penal Code § 26710 and California Code of Regulations, title 11, section 4030 et seq.
   (b) In the event an approved certified instructor receives notice from DOJ that their certification has been revoked, the instructor shall notify the Sheriff within five (5) days.
   (c) In the event an approved certified provider fails to provide the Sheriff proof of a valid Certificate of Eligibility on an annual basis, the provider will be removed from the approved list until a valid Certificate of Eligibility is provided.
2. Course Materials
   (a) Training providers must submit their course syllabus, course materials (i.e., student materials, handouts, written examination, practical application outline, etc.), and course(s) of fire to the Sheriff or authorized designee for review and

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consideration. If approved, training providers shall be added to the approved training provider list maintained by the CCW Licensing Unit.

218.13 MINIMUM STANDARDS OUTLINE

To be approved as a firearms training program, the course curriculum must, at a minimum, include the components outlined in section 218.11.

Training Certificate - All training providers must issue a training certificate to each student that successfully completes the training program. The certificate shall include, at a minimum, the following:

1. Training Provider's Business Name
2. Student's Name
3. Student Driver's license number
4. Training/Live Fire date(s)
5. Classroom and live fire location
6. Type of training (Initial, Renewal, Amendment)
7. Accurate weapon information (make, model, caliber, serial number, barrel length, color/finish)
8. Student and trainer signatures

All training providers must verify information on the certificate is complete and accurate prior to issuing them to the students that successfully complete the training program. Training providers are responsible for the accuracy of the certificate. Failure to comply with these requirements may be grounds for removal from the approved training provider list.

Prior to the live fire course, each handgun must be checked for safe and mechanically sound condition. All safety considerations and precautions must be taken during live fire and weapon handling. The student must demonstrate shooting proficiency and safe technique for all weapons to be listed on the CCW license.

Sample Course of Fire

The course of fire utilized by the Department is as follows:

A passing score of 70% on a live fire course using the same weapon(s) that shall be listed on the license. The live fire course shall be at minimum, 24 total rounds fired at standard silhouette B-27 scoring targets placed 3, 5, and 7 yards from the shooter; 8 rounds per distance. The live fire course should be conducted after the classroom portion of the certification course.

218.14 APPROVED TRAINING PROVIDER LIST

Approved training providers shall be placed on the Sheriff's approved provider list for a period of four years, contingent upon the certified provider providing a Certificate of Eligibility (COE) on an annual basis to the Sheriff. At the end of the four year period, the training provider shall be

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required to show proof that DOJ has renewed their instructor certification. The course materials will be subject to review by the Sheriff at this time just as it was subject to review when the provider first applied to be on the approved provider list

The Sheriff or authorized designee may require approved training providers to submit additional information and materials to verify compliance with minimum standards. If at any time, the Sheriff or authorized designee determines that an approved training provider is not complying with the minimum standards, the training provider shall be removed from the approved list. Training providers removed from the approved list who would like to be reconsidered for approval, shall need to resubmit all instructor certifications and course materials for review and consideration by the CCW Licensing Unit.

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Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons (CCW) endorsement for retired deputies of this Department.

220.2 QUALIFIED RETIREES

Any full-time sworn deputy of this Department who was authorized to carry a concealed firearm during the course and scope of their employment shall be issued an identification card with a "CCW Approved" endorsement upon honorable retirement (Penal Code § 25460 (c)).

1. For the purpose of this policy, "honorably retired" includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, shall not include any deputy who retires in lieu of termination (Penal Code § 16690). See Policy Manual § 1053.4 Retirement/Separation (Peace Officer/ Non-Reserve) for retirement/ separation eligibility guidelines.
2. No "CCW Approved" endorsement shall be issued to any deputy retiring because of a psychological disability (Penal Code § 26305(a)).

220.3 MAINTAINING A CCW ENDORSEMENT

In order to maintain a "CCW Approved" endorsement on an identification card, the retired deputy shall:

1. Qualify at least annually at a course approved by this Department at the retired deputy's expense (Penal Code § 25475).
2. Every five years, the retired deputy shall petition the Department for renewal of CCW privilege. Upon verification by this Department that all requirements have been met by an otherwise qualified retired deputy, the "CCW Approved" endorsement shall be re-stamped and dated (Penal Code § 25465).
3. Remain subject to all Department rules and policies as well as all federal, state, and local laws (Penal Code § 26305(b)).
4. It is the responsibility of the retired/separated deputy to ensure the handgun is properly maintained, in good working order, and legal to possess. The Department will NOT maintain records for individual retiree handguns.

220.4 CARRYING FIREARMS OUT OF STATE

Subject to 18 United States Code 926C (HR-218) and Policy Manual § 380.9, qualified retired deputies of this Department may be authorized to carry a concealed weapon in other states. It is the responsibility of the individual retired deputy to confirm his/her right to carry a firearm out of state.

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220.5 IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired deputy shall be two inches by three inches and minimally contain the following (Penal Code § 25460):

1. Photograph of the retiree
2. Retiree's name and date of birth
3. Date of retirement
4. Name and address of this Department
5. A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed. In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege"

220.6 DENIAL OR REVOCATION OF CCW ENDORSEMENT

The CCW endorsement for any deputy retired from this Department may be denied or revoked only upon a showing of good cause. Good cause, if challenged, shall be determined in the following manner:

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 (Penal Code § 26310(b)).
2. Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26312).
    (a) The retiree shall have 15 days from the Department's verification of service to file a written request for a hearing.
    (b) The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
3. If timely requested, the hearing for the denial or revocation of any CCW endorsement shall be 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)).
    (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 shall then reissue a new identification card which shall be stamped "No CCW Privilege".

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County Policy and Regulation

221.1 PURPOSE AND SCOPE

Any policy or regulation adopted by the Board of Supervisors affecting or regulating County Members, County equipment, or the operation of County Departments, shall if applicable, become a policy or regulation of this Department.

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Glossary of Terms

223.1 TERMS

The following are definitions of terms used in this manual.

1. **Accountability:** The state of being held answerable for the proper performance of a duty or function.
2. **Assistant Sheriff:** The ranking officer of a Command and as such, a major executive of the Department.
3. **Bureau:** A subordinate unit of a Command that is assigned the responsibility for the performance of particular tasks.
4. **Captain:** A Police Services Chief or the ranking officer of a Bureau.
5. **Commander:** The ranking officer of a Division.
6. **Commissioned Personnel:** The deputized employees of the Department (Deputy Sheriffs, Deputy Coroners, and Reserve Deputies) and Public Officers (Sheriff's Special Officers).
7. **Construction of Genders**: The use of masculine gender includes the feminine whenever applicable.
8. **Construction of Singular and Plural:** The singular number includes the plural and the plural, the singular.
9. **Construction of Tenses:** The present tense includes the past and future tenses; and the future, the present.
10. **County:** The County of Orange.
11. **Department or Departmental:** The Orange County Sheriff-Coroner Department.
12. **Department Manuals:** Reference guides specifying the rules and regulations governing the conduct of Members and the operation of the Department as well as specifying Departmental policies and procedures.
13. **Deputy:** Commissioned personnel who are peace officers as defined in the Penal Code regardless of rank or sex, whether permanently or temporarily employed (this includes Reserve and Extra Help Deputies where applicable).
14. **Detail:** A subordinate unit of a Bureau that is delegated the responsibility for the performance of particular tasks, usually specialized in nature.
15. **Division:** A major administrative unit of the Department established to insure the performance of tasks within a particular area of Departmental responsibility.
16. **Employee:** Any person employed and paid by the Department, whether on a regular or part-time basis.
17. **General Orders:** Written directives issued by the Sheriff-Coroner, Undersheriff or Assistant Sheriff(s) which are applicable to the Department as a whole, or a subdivision thereof, which establish a policy, regulation or procedure concerning a given subject, which are effective until revoked by a subsequent order.

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18. **Member:** An employee of the Department or a Reserve Deputy.
19. **Misconduct:** Any action or conduct on the part of a Member of the Department, which, if true, could be grounds for disciplinary action.
20. **Order:** An instruction, written or verbal, issued by a superior officer.
21. **Procedures:** Written directives detailing the method by which the work of the Department is to be accomplished; covering the operations of Details, Bureau, Commands, and the Department as a whole, effective permanently or until revoked by subsequent procedure. Procedures shall not conflict with any provision of the Manual of Rules and Regulations, or a General Order.
22. **Professional Staff:** Any employee of the Department not commissioned or deputized.
23. **Rank:** Is defined in terms of supervisory responsibility and commences with the first level of supervision.
24. **Reserve Deputy:** A citizen who is an active volunteer member of the Sheriff's Department Reserve Force.
25. **Seniority:** A status in the Department defined in the member's Memorandum of Understanding (MOU).
26. **Sheriff:** Sheriff Coroner.
27. **Special Deputy:** A citizen who is not an employee of the Department or a member of the Reserve Force, but whose private employment, or other status, requires his being commissioned.
28. **Special Officer:**A officer employed by the Sheriff to exercise duties as delegated by the Sheriff-Coroner in accordance with Departmental policies and regulations.
29. **Superior Officer:** A deputy of the Department of higher rank.
30. **Supervisor:** A member of the Department assigned to a position requiring the exercise of direction and control over subordinates, and includes those performing in an acting or temporary capacity.
31. **Uniform:** Clothing of distinctive design and color required by the Department to be worn for identification purposes. The term shall include articles of equipment specified to be worn or carried in conjunction with the uniform.
32. **Unlawful Orders:** An instruction, either written or verbal, issued by a superior officer or supervisor which is in violation of a Federal, State, or local law. An unlawful order is also an order that is in conflict with Departmental policy, regulation, or procedure unless emergency conditions justify such order.
33. **Verbs, Mandatory and Permissive:** "Shall" and "Will" are mandatory, "May" and "Can" are permissive.
34. **Watch Commander:** The designated Lieutenant on duty at each correctional facility.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Any use of force is a serious responsibility. The purpose of this policy is to provide Members of this Department with 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, each Member is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

300.1.1 DEFINITIONS

Member(s): For the purpose of Department Policy 300, a "Member(s)" is a Deputy Sheriff, Deputy Coroner, or Sheriff's Special Officer who is authorized to utilize a use of force application, has successfully completed Department approved training in the use of force application being deployed and whose job duties are such that they may be, or are likely to be, presented with the need to use force.

Use of Force: A use of force is defined as any incident in which a Member, either on or off duty, while performing a law enforcement function, overcomes resistance through the application of physical contact or any other force option.

This does not include the use of a firm grip control hold while performing routine functions such as searching, handcuffing, or escorting. It also does not include reasonable intervention necessitated by the physical incapacity of the subject (e.g., lifting an intoxicated or disabled person). However, Members shall make appropriate notifications in any instance that results in injury, the appearance of injury or complaint of pain.

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 Member or another person (Government Code § 7286(a)).

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

Objectively Reasonable Force: Force that is proportionate to the threat presented by, or the need to lawfully control, a subject in a particular moment. The threat or need would be perceived in that moment, and without benefit of hindsight. Force is not objectively reasonable if under the circumstances and in the relevant moment, it would be clear to a reasonable Member that lesser force would likely lead to safe control.

Serious Bodily Injury: 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)).

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Physical Force: Striking, holding, pulling, pushing, throwing, or exerting strength against another person.

Hospitalized: Receiving some form of medical treatment at a medical facility, other than an x-ray or being cleared for booking.

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

Excessive Force: A level of force that is found to have violated Section 835a of the Penal Code, the requirements on the use of force required by Section 7286 of the Government Code, or any other law or statute (Government Code § 7286(a)(2)).

Intercede: Includes but is not limited to, physically stopping the excessive use of force, recording the excessive force, if equipped with a body-worn camera, and documenting the efforts to intervene, efforts to deescalate the offending officer's excessive use of force, and confronting the offending officer about the excessive force during the use of force and, if the officer continues, reporting to dispatch or the watch commander on duty and stating the offender officer's name, unit, location, time and situation, in order to establish a duty for that officer to intervene (Government Code § 7286(a)(4)).

Retaliation: Demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or intimidation, harassment, or the threat of injury while on duty or off duty (Government Code § 7286(a)(6)).

300.2 POLICY

It is the policy of this Department that Members shall use only that amount of force that appears objectively reasonable, given the facts and circumstances perceived by the Member at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable Member on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact the Sheriff's Department Members are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is objectively reasonable in a particular situation.

Given that no policy can realistically predict every possible situation a Member may encounter, it is recognized that each Member must be entrusted with well-reasoned discretion in determining the appropriate use of force and tactics used. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a Member to actually sustain physical injury before applying reasonable force. Members 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. The use of any force to accomplish unlawful objectives is prohibited. The Department will not tolerate excessive and/or punitive force.

It is recognized that circumstances may arise in which Members are unable to effectively use the tools, weapons, or methods provided by the Department. In such circumstances, the Member

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may use alternative items or methods readily available to them, so long as the item or method was utilized in an objectively reasonable manner and only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose. In all circumstances, Members are expected to exercise sound judgment and critical decision-making when using force options.

Members are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)).

300.2.1 PHILOSOPHY

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

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

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting Members with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

The use of force is based on the "Objectively Reasonable" standard as stated in U.S. Supreme Court case *Graham vs. Connor* (1989). This is the standard considered to be the benchmark across the United States. It is contemporary, reflecting the most current judicial wisdom and it mirrors the standard prescribed by the Commission on Peace Officer Standards and Training (POST). The appropriate application of this standard requires that all factors surrounding a particular event be considered. This is true when determining whether to use force, as well as writing the requisite reports to document an event where force was used and in the supervisory review of the same event to determine the appropriateness of the action.

300.2.2 VOLUNTARY COMPLIANCE / DE-ESCALATION TECHNIQUES

When feasible, Members should ask for and allow reasonable time for compliance. Members shall evaluate the totality of the circumstances presented at the time in each situation and, when feasible, consider and utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force 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. When possible, Members will record the interaction (ICV, BWC, handheld camera). De-escalation tactics, such as time, distance, cover, and concealment, and less lethal alternatives should be part of the decision-making process leading up to the consideration of deadly force, when reasonably feasible. Other alternatives may include:

1. Summoning additional resources that are able to respond in a reasonably timely manner.
2. Formulating a plan with responding Members before entering an unstable situation that does not reasonably appear to require immediate intervention.

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3. Employing other tactics that do not unreasonably increase Member jeopardy.
4. In a custodial setting, when encountering a problem with a lone inmate in a cell, the safest and most practical solution may be to back out, close and secure the door and notify a sergeant of the situation.

300.2.3 DUTY TO INTERCEDE

Any Member present and observing another Member using force that is clearly beyond that which is necessary, as determined by an objectively reasonable Member under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force.

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

A Member who has received the required training on the duty to intercede and then fails to act to intercede when required by law, will be disciplined up to and including in the same manner as the Member that committed the excessive force (Government Code § 7286(b)).

300.2.4 WITNESS TO A USE OF FORCE

Any Member involved in or who witnesses a use of force shall notify a supervisor as soon as practical. Failure to notify a supervisor of a use of force may result in discipline pursuant to Department policy. Such notification shall be made as soon as reasonably possible.

300.2.5 DUTY TO REPORT POTENTIAL EXCESSIVE FORCE

A Member shall immediately report potential excessive force to a supervisor when present and observing another Member using force that the Member believes to be beyond that which is necessary, as determined by an objectively reasonable Member under the circumstances based upon the totality of information actually known to the Member (Government Code § 7286(b)).

300.2.6 RETALIATION PROHIBITED FOR REPORTING

Members shall not be retaliated against for reporting a suspected violation of a law or regulation of another Member to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

300.3 USE OF REASONABLE FORCE TO EFFECT AN ARREST, PREVENT ESCAPE OR OVERCOME RESISTANCE

Any Member who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A Member who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a, 836.5(b)). A Member may only use a level of force that they reasonably believe is proportional to

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the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)(2)).

300.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether a Member has used reasonable force, a number of factors should be taken into consideration.

These factors include, but are not limited to:

1. The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
2. The conduct of the individual being confronted (as reasonably perceived by the Member at the time).
3. Member/subject factors (age, size, relative strength, skill level, injury/exhaustion, and number of Members vs. subjects).
4. The conduct of the involved officer (Penal Code § 835a).
5. The individual's apparent mental state or capacity (Penal Code § 835a).
6. The effects of drugs or alcohol.
7. The individual’s apparent ability to understand and comply with officer commands (Penal Code § 835a).
8. Proximity of weapons or dangerous improvised devices.
9. The degree to which the subject has been effectively restrained and their ability to resist despite being restrained.
10. Time and circumstances permitting, the availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
11. Seriousness of the suspected offense or reason for contact with the individual.
12. Training and experience of the Member.
13. Potential for injury to citizens, Members, and suspects.
14. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
15. The risk and reasonably foreseeable consequences of escape.
16. The apparent need for immediate control of the subject or a prompt resolution of the situation.
17. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
18. Prior contacts with the subject or awareness of any propensity for violence.
19. Any other exigent circumstances.

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It is recognized that Members are expected to make split-second decisions and that the amount of a Member's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each Member is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

300.4 NON-DEADLY FORCE APPLICATIONS

Each Member is provided with equipment, training, and skills to assist in the apprehension and control of suspects as well as protection of Members and the public. Non-deadly force applications may include but are not limited to control holds/take downs, chemical agents, Conducted Energy Devices, less lethal weapons, batons, and personal body weapons.

300.4.1 CONTROL HOLD/PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Members may only apply those techniques for which the Member has received Department approved training and only when the Member reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Members utilizing any control technique should consider the totality of the circumstances including, but not limited to:

1. The potential for injury to the Member(s) or others if the technique is not used.
2. The potential risk of serious injury to the individual being controlled.
3. The degree to which a pain compliance technique may be applied should be proportionate to the amount of resistance by the suspect.
4. Whether the person can comply with the direction or orders of the officer.
5. Whether the person has been given sufficient opportunity to comply.
6. The nature of the offense involved.
7. The level of resistance of the individual(s) involved.
8. The need for prompt resolution of the situation.
9. If time permits (e.g., passive demonstrators), other reasonable alternatives.

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

300.4.2 FORCE WEAPONS, TOOLS, AND EQUIPMENT

All weapons, force tools, or restraint equipment carried while on-duty, or off duty under the Member's authority, shall be those issued by the Department or approved for carry by the Sheriff or his/her designee. No other such instruments shall be carried or used. No issued or approved equipment or weapon is to be altered or modified unless specifically authorized by the Sheriff or his/her designee. All weapons, tools, and equipment shall be maintained in good working order

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and any defect shall be reported to appropriate authority and resolved expeditiously. All weapons and equipment shall be carried and used in a manner consistent with Department training as well.

300.4.3 RESTRICTIONS ON THE USE OF CAROTID RESTRAINT HOLD

Members 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 tactics 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).

300.4.4 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Members are prohibited from using a choke hold. A choke hold means any defensive tactic or force option in which pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.4.5 ADDITIONAL RESTRICTIONS

Members are not authorized to use any restraint, technique or transportation method that involves a substantial risk of positional asphyxia. "Positional asphyxia" means situating a person in a manner that reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia (Government Code § 7286.5).

300.4.6 PREGNANT INMATES

In Custody and Court Operations, inmates known to be pregnant shall not be tased, pepper sprayed or exposed to other chemical weapons (Penal Code § 4023.8(h)). Correctional Health Services shall evaluate inmates for pregnancy upon intake and follow-up as needed. Inmates medically confirmed to be pregnant will be issued pink pants and are required to wear them while in custody. Deputies may rely on the inmate's clothing to determine whether an inmate is pregnant.

300.5 DEADLY FORCE APPLICATIONS

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

To the extent that it is reasonable under the circumstances, Members shall consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

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300.5.1 DEADLY FORCE AGAINST A PERSON

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the Member reasonably anticipates and intends that the force applied will create a substantial risk of serious bodily injury or death. Use of deadly force is justified in the following circumstances:

1. A Member may use deadly force when the Member reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the Member or another person.
2. A Member may use deadly force when the Member reasonably believes, based on the totality of the circumstances, that such force is necessary to apprehend a fleeing suspect for any felony that threatened or resulted in death or serious bodily injury, if the Member reasonably believes that the suspect will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a Member shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the Member has objectively reasonable grounds to believe the person is aware of those facts (Example: "Police/ Sheriff's Department! Stop or I'll shoot!).

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

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer 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 officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed (Penal Code § 835a).

300.5.2 DEADLY FORCE AGAINST AN ANIMAL

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

In circumstances in which Members have sufficient advanced notice that a potentially dangerous domestic animal (e.g., dog) may be encountered, such as the serving of a search warrant, Members should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g., fire extinguisher, Taser, OC Spray, animal control officer). Nothing in this policy shall prohibit any Member from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

Injured animals (with the exception of dogs and cats) may be euthanized only after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether

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they should be treated or humanely destroyed (Penal Code § 597.1(c)). However, if any animal is too severely injured to move or where veterinarian is not available and it would be more humane to dispose of the animal, the Member may euthanize the animal after obtaining approval of a supervisor (Penal Code § 597.1(e)). **Department Commander notification shall be made as soon as reasonably possible prior to or immediately following the euthanizing of any animal.**

300.5.3 SHOOTING AT MOVING VEHICLES

The discharge of a firearm at and/or from a moving vehicles/vessels is limited to only those situations where deadly force is justified under the law and no other reasonable alternatives were available at the time. It presents a significant risk to the public, involved Member(s), and others. It is intended to ensure such actions are lawful, necessary, proportional to the threat, and does not create greater danger (CPC § 835a and Government Code § 7286(b)).

Members shall evaluate the following:

Backdrop Safety

- Risk to uninvolved persons (e.g., hostages, children in the vehicle, other motorists, and pedestrians).
- The dynamic environment caused by vehicle speed and movement.

Ballistic Effectiveness

- Likelihood of round deflection or ineffective penetration through:
    - Structural vehicle components (e.g., A-, B-, and C-pillars).
    - Windshields and other hardened areas.

Vehicle or Vessel Control

- Risk of losing control of the police vehicle or vessel when discharging a firearm.
- Risk of collateral damage if the suspect is incapacitated and the vehicle or vessel continues moving (e.g., striking other motorists, bystanders, or pedestrians).

Alternatives to Firearms

- Availability of other tactical options:
    - Containment.
    - Tactical disengagement.
    - Use of cover.
    - Coordinated unit response.
    - Pursuit Intervention Tactics.
- Whether allowing the vehicle or vessel to flee presents less risk to the public than an immediate use of force.

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Members shall not discharge their firearms at a moving or fleeing vehicle/vessel to disable the vehicle/vessel or prevent escape unless deadly force is justified.

Members shall actively attempt to move out of the path of an approaching motor vehicle. Members should not position themselves or intentionally remain in the path of a moving vehicle.

300.5.4 WARNING SHOTS

Generally, warning shots or 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.

300.5.5 REPORT OF WEAPON DISCHARGE

Any Department Member who discharges a weapon intentionally, whether on or off duty, while exercising peace officer powers, shall notify the Department Commander as soon as circumstances permit.

Any Department Member who discharges a weapon unintentionally shall notify his/her immediate supervisor and the Department Commander as soon as circumstances permit. All unintentional discharges shall be reviewed to determine if the discharge was the result of accident, equipment malfunction, negligence, or inadequate training.

300.5.6 POST SHOOTING PROCEDURE INVOLVING INJURED SUSPECT(S), VICTIM(S), ARRESTEE(S), OR ANY SUBJECT(S) WITHIN THE CARE OR CUSTODY OF THIS DEPARTMENT

If it becomes necessary for a Member to use deadly force, the following post-shooting procedures should be followed:

1. Approach with caution; be alert for additional subjects and weapons.
2. Handcuff and immediately search the subject. Keep the subject under continuous observation and control.
3. After you have determined the subject is no longer a threat:
    (a) Notify dispatch of your location and circumstances if it has already not been done.
    (b) Render whatever first aid that may be required.
    (c) Preserve the scene.
    (d) Assist paramedics when and if they respond, but continue to maintain control and observation of the subject until removed from the scene.
    (e) If removed from the scene in an ambulance, a Member shall accompany that subject inside the ambulance in order to preserve evidence, to ensure the recording and legitimacy of dying declarations, and to provide safety to both the injured and medical personnel.

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300.5.7 DISPLAYING OF FIREARMS

Members 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)):

1. If a Member 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.
2. If the Member reasonably believes that a threat exists based on the totality of circumstances presented at the time, firearms may be directed toward such threat until the Member no longer perceives such threat.
3. If a Member is involved in an inherently high-risk situation, which calls for the use of tactics that include directing firearms at individuals (e.g., high-risk stop, tactical entry, sniper/spotter operation, incidents requiring a tactical response), the Member may do so until the situation is resolved.
4. A Member shall not draw their firearm, direct it toward a person, and threaten to shoot if the person is compliant and does not present a danger.

300.6 MEDICAL CONSIDERATIONS

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

1. Based upon the Member's initial assessment of the nature and extent of the subject's injuries, render whatever first aid that may be required until the subject can receive further medical assistance. Medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. The on-scene supervisor, or if not available, the primary handling Member 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 Member reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).
2. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until medically assessed. Any individual exhibiting signs of distress after an application of force shall be medically evaluated as soon as practicable by either paramedics at the scene or taken to a hospital for examination. Signs of distress may include shortness of breath, chest pain, and/or dizziness.
3. 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 officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Personnel who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

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4. If the subject is in custody or is the responsibility of the Department and requires transportation by ambulance/paramedic unit, a deputy shall accompany that subject inside the ambulance until properly relieved.
5. If the subject is an inmate at one of the five Orange County Sheriff's jail facilities at the time of the use of force, then Correctional Health Services will be notified and directed to respond, and once on scene will assume responsibility for medical care.
6. Any individual who refuses medical attention shall have his or her refusal fully documented in related reports and be witnessed by medical personnel and if possible, another Member. If medical staff is willing to provide a copy of the subject's medical refusal, this document should be collected and included with the report package. If possible, an audio recording of the refusal should also be made and a notation in the report indicating the subject's refusal was recorded and either booked as evidence or stored on the Department's digital video server system.

300.7 POST USE OF FORCE PROCEDURES

Supervisory notification shall be made as soon as reasonably possible following a use of force.

Any use of force by a Member of this Department shall be documented by that Member promptly, completely, and accurately in an appropriate report depending on the nature of the incident. When documenting a Use of Force event, the Department Member is encouraged to review Department audio/video recordings (e.g. body worn camera and in-car video systems, jail facility cameras) as a means of ensuring factual accuracy and enhancing recollection. Use of such materials in preparation of reports shall be documented, and done on an individual rather than collective basis. For further, refer to policy 303 - Department Media.

300.7.1 LESS-LETHAL MUNITIONS PROTOCOL

Any time less lethal munitions (40mm or.12 Gauge Super Sock "bean bag") are deployed and the suspect or anyone involved in the incident sustains serious bodily injury or is hospitalized, the Homicide Unit shall be notified, via the Department Commander, and be responsible for conducting the investigation.

In all instances, excluding ones occurring within a county detention facility, in which kinetic energy projectiles and/or chemical agents are used for crowd control, the Department's Crowd Control Less Lethal Deployment Report shall be completed. This document shall include the following:

1. A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and the number of officers involved.
2. The type of kinetic energy projectile or chemical agent deployed.
3. The number of rounds or quantity of chemical agent dispersed, as applicable.
4. The number of documented injuries as a result of the kinetic energy projectile or chemical agent deployment.
5. The justification for using the kinetic energy projectile or chemical agent, including any de-escalation tactics or protocols and other measures that were taken at the time of

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the event to deescalate tensions and avoid the necessity of using the kinetic energy projectile or chemical agent.

This report will be completed as part of the Supervisor's Use of Force analysis.

For further Less Lethal requirements, refer to policy 384 - Less Lethal.

300.7.2 DEATH OR LIFE THREATENING INJURY NOTIFICATION PROTOCOL

Per the MOU with the Orange County District Attorney's Office, all cases where an individual dies or suffers serious injury which is life threatening while in the custody or control of a Member of this Department, or is incarcerated in an Orange County Jail facility, shall be referred to the Orange County District Attorney's Office, via the Homicide Unit. The Orange County District Attorney's Office may decline to respond.

Notwithstanding the MOU with the Orange County District Attorney's Office, when an officer-involved shooting results in the death of an unarmed civilian, the California Attorney General's Office will investigate the incident (Government Code § 12525.3).

300.7.3 CRM REPORTING PROTOCOL

If a Use of Force incident involves an investigation by the Homicide Detail and/or the District Attorney's Office, the SAFE Division shall be responsible for entering the initial notification of the use of force into the CRM database system. The SAFE Division shall also be responsible for the Administrative Investigation.

If it is determined the case will not be investigated by the Homicide Detail and/or District Attorney's Office or California Attorney General's Office, the use of force analysis shall be handled by an uninvolved supervisor and reviewed through the normal CRM database review process.

300.8 SUPERVISOR RESPONSIBILITY

Upon notification of a use of force, (with the exception of any Officer Involved Shooting - See "Shooting Incidents" Policy #310), the supervisor shall respond and conduct an investigation of the incident. If the designated supervisor is unable to respond, the Patrol Department Commander or Jail Watch Commander shall assign another available supervisor. A supervisor who is a participant and applies force during the involved incident cannot conduct the supervisory analysis.

The handling supervisor's responsibilities include but are not limited to the following:

1. Shall obtain the basic facts from the involved Member. If the Member's statement of basic facts is likely to result in the disclosure of actions that violate policy, the supervisor should adhere to Government Code section 3303(i), which states, "Whenever an interrogation focuses on matters that are likely to result in punitive action against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation." If the disclosure of basic facts is not likely to result in disclosure of actions that violate policy, the supervisor may direct the Member to provide the basic facts.
2. Ensure that any injured parties are examined and treated.

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3. Separately interview the subjects(s) upon whom force was applied. Questioning should be related to possible injures sustained during the use of force and/or if the subject(s) has received medical attention. Prior to investigatory questioning, the supervisor will confirm the subject(s) has been read their Miranda Rights warning due to the questioning possibly or likely eliciting an incriminating response. The entire interview shall be recorded.
4. Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas (consistent with CPC 4030).
5. Identify and interview any witnesses. The entire interview shall be recorded.
6. Complete a summary of the audio and video/digital recording (s) and include with the incident documentation.
7. Shall ensure all audio and video/digital media are booked into evidence in accordance with Policy 802 Property and Evidence, including the identification in Remedy that the evidence relates to a use of force.
8. When possible, review and approve all related reports.
9. Complete the "Preliminary Notification" in the CRM system as soon as practical as well as the Supervisory Use of Force Analysis report to include assigning a determination to each Member involved as:
    (a) In Policy, No further action required.
    (b) Training or corrective action addressed.
    (c) Refer to Command Staff for investigation.
10. In the event the Use of Force includes use kinetic energy projectiles and/or chemical agents for crowd control, complete the Department's Crowd Control Less Lethal Deployment Report. This report should be completed as soon as practical, however no later than 45 days from the incident. This requirement does not apply to incidents occurring within a county detention facility.
11. Scan and attach all related reports to the notes section of CRM, if the report is not included in FBR.
12. Forward electronically to the assigned Lieutenant/Captain for review.

If Non-Custodial Personnel (e.g. patrol, investigations) are involved in a UOF at the IRC, Patrol Operations Sergeants will complete the administrative UOF review process and assign it to their respective chain of command. Custody Operations Sergeants will be responsible for Sections 2, 3, 4, 5, including the "Supervisory Use Of Force Supplemental" listed above.

If the UOF at the IRC involves Non-Custodial and Custodial Personnel, the IRC Watch Commander and Department Commander will discuss and determine which command should be assigned the administrative UOF review process.

300.9 CAPTAIN OR LIEUTENANT RESPONSIBILITY

1. Review and evaluate all submitted reports, photographs, audio, and video recordings.

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2. Based on all submitted documentation, evaluate the overall incident and the appropriateness of all actions taken by staff.
3. Review the Supervisory Use of Force Analysis submitted into the CRM by the supervisor. Resubmit to the Supervisor for any changes and ultimately approve the Supervisory Use of Force. Assign a determination to each staff member involved as:
    (a) In Policy, No further action required.
    (b) Training or corrective action addressed.
    (c) Refer to Command Staff for investigation.
4. Forward electronically to the Commander for review.

300.10 COMMANDER RESPONSIBILITY

1. Review and evaluate all submitted reports, photographs, audio, and video recordings.
2. Based on all submitted documentation, evaluate the overall incident and the appropriateness of all actions taken by each Member.
3. Assign a determination to each Member involved in the incident as:
    (a) In Policy, No further action required.
    (b) Training or corrective action addressed.
    (c) Refer to Command Staff for investigation.
4. Finalize the Supervisor, Lieutenant, and Division Commander’s determinations by electronically submitting the completed assessment within the CRM system.

300.11 NOTICE OF DISPOSITION

The Commander responsible for reviewing the Supervisory Use of Force Analysis shall determine whether the Member’s actions were “In Policy, No further action required”; "Training or corrective action addressed"; "Refer to Command Staff for investigation" or other determination, and they shall provide the Member a written or emailed notice of that determination. The Members shall be provided with a notice of disposition at the conclusion of investigation.

300.12 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of complaints involving use of force incidents should be handled in accordance with Policy 1020 Personnel Complaint Procedure (Government Code § 7286(b)).

A Member will be prohibited from training other Members for a period of at least three years from the date that an abuse of force complaint against the Member is sustained (Government Code § 7286(b)).

300.13 TRAINING

Members will receive periodic training on policy and demonstrate their knowledge and understanding (Government Code § 7286(b)). This training includes guidelines regarding

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vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.

This list of training courses include curriculum which covers the objectives set forth within this policy, this list is not all inclusive:

- Less Lethal Basic
- Less Lethal Recertification
- Taser Basic
- Taser Recertification
- Crisis Intervention Training
- Arrest Control Techniques
- Tactical Communications

Additional training courses are offered periodically to stay consistent with POST guidelines set forth in Penal Code § 13519.10.

300.14 PUBLIC RECORDS REQUESTS

Requests for records relating to an incident involving the discharge of a firearm at a person by a peace officer, an incident in which the use of force by a peace officer against a person resulted in death or great bodily injury, a sustained finding involving a complaint that alleges unreasonable or excessive force, or a sustained finding that a Member failed to intervene against another Member using force that is clearly unreasonable or excessive will be processed in accordance with Penal Code section 832.7 and Policy 805.

300.15 REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE

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

300.16 POLICY REVIEW

The S.A.F.E. Division will regularly review and, as necessary, update this policy for the Sheriff's approval to reflect developing practices and procedures.

300.17 PUBLICATION OF CROWD CONTROL LESS LETHAL DEPLOYMENT REPORTS ON DEPARTMENT'S PUBLIC WEBSITE

Incidents in which kinetic energy projectiles and/or chemical agents are used for crowd control will be summarized within the Use of Force Analysis. The summary must comply with all content requirements of California Penal Code §13652.1(b) and will be limited to the information known at the time of the report. The S.A.F.E. Division and P.A.C.E. Division will collaboratively publish a summary of the incident, in accordance with CPC 13652.1(b), within 60 days, or 90 days with just cause, of the incident on the Department's public website.

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Critical Incident and Administrative Reviews

301.1 GENERAL

At times, Department Members are confronted with situations in which varying degrees of force or actions are used to protect life and property, including effecting an arrest, or discharging firearms in the performance of their duties. Department Members are also involved in incidents where their actions cause great concern to the Department and general public. Therefore, in the interest of public safety and the safety of Department Members, the Orange County Sheriff's Department shall review critical incidents to ensure best practices are being utilized in policies, procedures, tactics, and training.

As determined by the Sheriff or the Sheriff's designee, critical incidents shall be given the prompt attention of Executive Command Staff utilizing the Critical Incident Review (CIR) process. When directed by the Sheriff or the Sheriff's designee, the S.A.F.E. Division shall begin to coordinate a *Critical Incident Review* meeting as soon as practical.

301.2 PURPOSE AND SCOPE

The purpose of the Critical Incident Review is to identify and discuss issues requiring immediate action and/or additional follow-up. By doing so, it increases the Department's ability to recommend necessary changes to policies, procedures, tactics, and training to assist personnel in dealing with future critical incidents.

The review shall provide to the Critical Incident Review Board and Attendees, a preliminary factual presentation by the most knowledgeable Member associated with the incident. As appropriate, a discussion of potential litigation, policy, training, and equipment issues shall occur and include subject matter experts in those areas. The Board and Attendees shall document these issues requiring further review. Prior to the close of the review, "Action Items (A/I's)" shall be provided by the Board Members on the issues requiring immediate attention.

Additionally, Members who exhibited acts of bravery, courage, and/or exceptional performance shall be discussed and recommendation for the appropriate Department commendation shall be considered.

301.2.1 DEFINITIONS

Critical Incident: any incident where the actions of Department Members in the performance of their duties, are likely to have a significant impact on the Department, community, citizens, or any other person, and/or incidents involving the use of deadly force or force resulting in serious physical injury.

Deadly Force: that which creates a substantial risk of serious bodily injury or death. See Policy 300 - Use of Force.

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

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the function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)). See Policy 300 - Use of Force.

Hospitalized/Hospitalization: Receiving some form of medical treatment at a medical facility, other than an x-ray or being cleared for booking. See policy 300 - Use of Force.

Action Items: directives to the responsible Divisions or Members requiring resolution.

In-custody Death: Per Penal Code §10008(c) an "In-custody death" means the death of a person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, state-run boot camp prison, boot camp prison that is contracted out by the state, any state or local contract facility, or other local or state correctional facility, including any juvenile facility. "In-custody death" also includes deaths that occur in medical facilities while in law-enforcement custody.

If a death occurs post-custody and could be related to confinement while under the custody and control of OCSD personnel, the Department will notify the OCDA to determine if the circumstances will be investigated as a post-custody death, per MOU with the OCDA's office.

301.3 BOARD COMPOSITION

BOARD MEMBERS:

1. Assistant Sheriff of Professional Services Command (**Chairperson of the Board**)
2. Assistant Sheriff of Patrol Operations Command
3. Assistant Sheriff of Investigations & Special Operations Command
4. Assistant Sheriff of Custody Operations Command
5. Constitutional Policing Advisor

In order for a more comprehensive and complete review of the incident, additional Members and/or persons shall be invited to attend. For the purpose of the review, they shall be referred to as "Attendees" and shall be able to provide recommendations and/or comments to the Board.

301.3.1 ATTENDEES

1. Executive Command Staff
2. S.A.F.E. Division Representative
3. Training Division Representative
4. Internal Affairs Representative
5. Commander under whose jurisdiction the Critical Incident occurred
6. Captain under whose jurisdiction the Critical Incident occurred
7. Presenter of Facts
    (a) Person designated to present before the Board all pertinent information, facts, and issues about the Critical Incident.

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8. Subject Matter Experts
    (a) Persons identified who exhibit an advanced level of expertise in performing and/or explaining a specific duty assignment, task, or skill will be considered as, "Subject Matter Experts" (e.g., Drug Recognition Experts, K-9 Handler, Conducted Energy Device Instructor, or Arrest Control Technique staff Member).
9. Investigations Representative
10. Field Training Bureau Representative (if applicable)
11. Jail Compliance and Training Team Representative (if applicable)
12. Member from County Counsel*

**Matters and communications discussed in the review may be confidential and protected under the Attorney/Client Privilege; therefore the review will be limited to those Members mentioned-above. Any other Member interested in attending the review, must be approved by the Chairperson of the Board. This shall be based on the reason for the request and "Need to Know" basis, but ultimately decided at the discretion of the Chairperson of the Board.*

301.4 PROCEDURE

The Critical Incident Review process consists of three (3) phases and is overseen by the Assistant Sheriff of the Professional Services Command who is the Chairperson of the Board.

The Chairperson of the Board's responsibility and authority includes, but is not limited to, the following:

1. Authorizes the release of all pertinent documents, records, and information for the Critical Incident Review.
2. Ensures only essential Members are present during the Critical Incident Review.
3. Gives opening remarks and sets the rules or guidelines for the review to the Board and Attendees.
4. Moderates the review and assists in the transition from each topic of discussion to the next.
5. Reviews all A/I's and approves them for distribution to the responsible Divisions or Members for resolution.

301.5 PHASE I - INITIAL REVIEW

At the conclusion of an Administrative Response Team (ART) briefing, Sheriff's Executive Command may request a Critical Incident Review. This request will be made through the Chairperson of the Critical Incident Review Board. The review will be assigned to the S.A.F.E. Division and the process of coordinating, notifying personnel, and organizing the review shall begin.

The S.A.F.E. Division is the Critical Incident Review liaison and the "Presenter of Facts." They shall facilitate the review board process. The S.A.F.E. Division shall collect all documents, reports, and presentation material/equipment. Notification to Board Members/Attendees, and the scheduling

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of the review shall be done as soon as practical. The responsibility to prepare and design the presentation for the review shall be the "Presenter of Facts." Therefore, any Department Member or division receiving a request for documents shall comply with the request without delay. The presentation before the Board is designed to give a detailed review of the incident.

At the conclusion of the presentation, the Board shall engage in an interactive discussion on the incident relying on the "Presenter of Facts" and/or "Subject Matter Experts" for clarification. **These discussions shall focus on policies, procedures, tactics, training, equipment and use of force.**

Upon completion of the discussions, the review shall adjourn and reconvene in closed session (same day) with the **Board Members** and designated Attendees only. In this closed session meeting, the Board shall list action items for implementation and identify the appropriate divisions or responsible Members to address these action items.

Once the Board Members have identified these action items, the S.A.F.E. Division shall forward an "Action Item Summary" form to the Board Chairperson for approval. Once approved, these action items shall be forwarded to the designated Divisions or Members for resolution and should be completed prior to Phase II of the CIR process (usually within 60-90 days).

301.6 PHASE II - DISPOSITION OF ACTION ITEMS

Phase II of the Critical Incident Review shall reconvene usually within 60 to 90 days of the adjournment of Phase I. The composition of Members involved in this phase of the review shall be comprised of the Board, S.A.F.E./Risk Management Bureau Representative, and the designated Members who were assigned action items, if necessary.

Upon completion of Phase II, the S.A.F.E. Division shall submit a written "Final Summary-Findings and Disposition" report to the Chairperson of the Board for review and final approval. Based on the type of incident reviewed, this shall usually signify the conclusion of the CIR. However, the Board may recommend further review of the incident and decide to convene the Administrative Review Board (ARB).

301.7 ADMINISTRATIVE REVIEW BOARD (ARB)

Whereas, Phase I & II of the Critical Incident Review process focuses on the systemic and global impact of an incident and its immediate impact on the Department, the Administrative Review Board (ARB) examines the incident with a focus on specific conduct of personnel. The ARB serves as a quality control mechanism to ensure timely reviews of all specified critical incidents and to determine whether the facts warrant further administrative investigation.

The ARB process will support the integrity of law enforcement administrative reviews by ensuring internal investigations into officer misconduct are conducted promptly, thoroughly, and fairly. The ARB will fully appraise specified critical incidents to determine whether the facts warrant further administrative investigation(s), and examine the department member's actions from a tactics, training, policy, and agency improvement perspective. Ultimately, the ARB will identify areas for improvement and provide recommendations to the Sheriff regarding the incident. The review

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process shall be in addition to the Administrative Response Team's Executive Briefing, the Critical Incident Review, or any other investigation of the incident.

301.7.1 BOARD COMPOSITION

BOARD MEMBERS:

1. Board Chair: The Assistant Sheriff with command authority over the area where the incident occurred
2. Executive Command: Two additional Assistant Sheriffs with Board Chairperson
3. Constitutional Policing Advisor
4. Division Commander of the Training Division
5. Division Commander of the involved Department Member(s)
6. Representative from County Counsel

The ARB may request the appearance of other uninvolved members of the department to obtain information, expertise, or documents necessary to carry out the duties of the Board.

301.7.2 INITIAL REVIEW AND PROCEDURE

At the completion of the Executive Briefing by the Administrative Response Team the Sheriff's Executive Command will determine whether the ARB should be convened. The ARB shall be convened on those incidents which are deemed by the Sheriff or the Sheriff's Executive Command, as significant enough to warrant a further review of the incident and actions of the Members. Reviewable incidents include but are not limited to: Members involved in traffic accidents resulting in serious bodily injury or death, in-custody deaths, officer-involved shootings, and uses of force resulting in hospitalization, serious bodily injury, or death.

The Board shall examine each incident, issue findings, and/or recommendations for preventative measures. The Board may issue findings and/or make recommendations based on their review of the incident. The Board's recommendations may include but are not limited to the following areas:

1. Policy
2. Tactics and Training
3. Equipment/Technology
4. Supervision
5. Continuous Improvement

Upon completion of any related administrative investigation(s), criminal investigation(s), review by any prosecutorial body, and filing decision regarding criminal charges, the ARB will recommend to the Undersheriff and Sheriff whether the Department Member's actions were within the parameters of current OCSD policies and procedures.

The Board Chair will draft the notification to the employee regarding the Administrative Review Board's findings. The Division Commander will hand-deliver the Administrative Review Board

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determination identifying whether the use of force was within policy, simultaneously with any related disciplinary notice to the employee.

301.7.3 PHASE I AND II

The ARB will be divided into two phases. During the first phase, the ARB will receive a case presentation from the ART Team or other appropriate SAFE Sergeant assigned to Internal Affairs. The ARB will request the presence of any experts, such as a tactical expert, to inform its review. The intent of the presentation is to show, in chronological order, the events leading up to, during, and immediately after the incident.

The presentation should include all relevant evidence including, but not limited to:

- Photos
- Videos, including body-worn camera recordings
- Audio recordings, including voluntary statements by involved department members (if any)
- Diagrams
- Other evidence developed during the investigation of the incident under review

If the ARB identifies any potential policy violations, those shall be referred to the Internal Affairs Bureau for investigation.

The second phase of the ARB will include a presentation on any material not previously available for review, including any additional information obtained from the criminal investigation(s).

301.7.4 S.A.F.E. DIVISION RESPONSIBILITIES

The S.A.F.E. Division shall coordinate in facilitating meetings, notifications, and providing the results of any Critical Incident Reviews that were conducted. S.A.F.E. shall receive all requests to convene any Administrative Review and gather all necessary documentation for the Board's presentation, review, and retention.

As a result of the confidential nature of the review and due to Department Members being involved, only Members identified by the Board shall be permitted to participate in ARB proceedings. All documentation shall be returned to and retained by the S.A.F.E. Division in accordance with the law and established records retention schedule.

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Administrative Response Team (ART)

302.1 GENERAL

The essence of the law enforcement profession provides that Department Members will periodically become involved in serious incidents and events that are of critical concern to both the public and to the law enforcement community. Often, these incidents and events have significant Department implications in the areas of policy, risk management, liability, and/or other administrative factors. It is important for the Department to effectively evaluate these issues in a timely manner to determine if immediate action is needed to remedy potential deficiencies.

302.2 ADMINISTRATIVE RESPONSE TEAM (ART)

The Administrative Response Team (ART) are Members of the SAFE Division who assemble and respond to Member-involved shootings and other significant incidents and events, on behalf of the Sheriff and Executive Command, to conduct administrative assessments based on the facts of the incident.

The ART response shall consist of at least two Members of the SAFE Division as determined by the SAFE Division Commander or Captain(s). The Members of ART shall vary by incident, based on scheduled rotation and availability.

302.3 PURPOSE AND SCOPE

The purpose of the ART is to evaluate significant incidents and events from an administrative perspective and identify possible policy-related concerns, risk management and liability issues, training concerns, force and force options, tactics, supervisory involvement/control, equipment issues and other administrative factors.

The ART, may be comprised of Internal Affairs personnel. However, their response to an incident is in a separate capacity and they are not present to conduct a personnel investigation and/or related administrative interviews, unless otherwise directed by the Sheriff's Executive Command.

302.4 RESPONSE

The ART shall respond to all Member-involved shootings, in-custody deaths or any other incident as deemed necessary by Sheriff’s Executive Command.

The ART may respond to the following incidents (this list is not all inclusive):

1. Use of force incidents resulting in significant injuries and/or death;
2. Post-custody jail deaths;
3. Vehicle pursuits resulting in significant injuries and/or deaths;
4. Major jail incidents (use of force, riots, escapes, in-custody deaths);
5. Any incident/event with increased liability and exposure to the Department.

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302.5 PROCEDURES

In the event of a Member-involved shooting or other significant incident, any Member of the Sheriff's Executive Command may request an ART Response. The on-duty Department Commander shall coordinate with Sheriff's Executive Command to notify the SAFE Division Commander or Captain(s), who will then identify and dispatch the necessary ART personnel.

The Administrative Response Team shall:

1. Identify and meet with the on-scene incident commander;
2. Attend briefings regarding the incident;
3. Collect all facts and information related to administrative concerns;
4. Evaluate the entire incident to include the circumstances leading up to the incident, the facts of the incident and post-incident events and activities. The ART shall utilize information obtained at the scene and provided by the District Attorney's Office and/or OCSD Criminal Investigations Bureau.

302.6 USE OF FORCE INCIDENTS (MEMBER INVOLVED SHOOTINGS)

When the ART responds to a Member-involved shooting incident, the Supervisory Use of Force Analysis required by Policy § 300 shall be superseded by the Internal Affairs administrative investigation. Final policy determinations shall occur as part of the Internal Affairs review (Policy § 310.2).

1. The Administrative Response Team shall be responsible for entering the use of force into CRM referencing the use of force to the corresponding personnel investigation (PI) number.
2. In CRM, the use of force shall be assigned to the involved Member's divisional chain of command, who shall close out the incident without delay with the determination of "Refer to Internal Affairs."

302.7 USE OF FORCE INCIDENTS (INVOLVING RESPONSE BY HOMICIDE DETAIL AND/OR OCDA)

A Use of Force incident involving significant injury or death may require the response of the Homicide Detail and/or the District Attorney's Office.If the Homicide Detail and/or District Attorney's Office responds to an incident, the Use of Force Analysis required by Policy § 300 shall be conducted in the same manner as defined in Policy § 302.6 (Member-involved shootings):

1. The Administrative Response Team shall be responsible for entering the use of force into CRM referencing the use of force to the corresponding personnel investigation (PI) number.
2. In CRM, the use of force shall be assigned to the involved Member's division chain of command, who shall close out the incident without delay with the determination of "Refer to Internal Affairs."
3. If it is later determined the District Attorney's Office will not initiate a criminal investigation of the incident, the use of force may be reassigned in CRM to the division of origin for analysis and investigation.

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302.8 USE OF FORCE INCIDENTS - ALL OTHERS

When the ART responds to a use of force incident, other than a Member-involved shooting or a use of force involving a significant injury or death (see Policy 300 - Use of Force for applicable sections), the on-scene supervisor shall be responsible for entering the use of force into CRM and conduct the Supervisory Use of Force Analysis.

302.9 POST INCIDENT DUTIES AND RESPONSIBILITIES

The Administrative Response Team shall collect and evaluate all relevant information and prepare an administrative briefing for Sheriff's Executive Command within three days of the incident or at the next scheduled Executive Command meeting.

The administrative briefing shall include policy-related concerns, risk-management and liability issues, training concerns, force and force options, tactics, supervisory involvement/control, equipment issues, and other administrative factors.The administrative briefing shall be reviewed by County Counsel prior to the presentation to the Sheriff's Executive Command in order for County Counsel to provide input and identify potential risk-management and liability issues.

Sheriff's Executive Command shall utilize the ART briefing to review, discuss, and evaluate administrative issues and take any necessary action. This may include initiating a Critical Incident Review, convening the Administrative Review Board, and determining if a death (e.g., inmate, released inmate, or suspect) meets the criteria for an in-custody death for reporting under Penal Code §10008 and Government Code §12525. For additional information, refer to policy 301.

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Department Media

303.1 PURPOSE AND SCOPE

The Department recognizes the importance of capturing law enforcement contacts through the use of technology. The viewing of these recordings is necessary for the accurate documentation through written reports, courtroom testimony, and voluntary statements.

303.1.1 DEFINITIONS

For the purpose of this policy, Department media is defined as any form of video or audio recording, or photographs, captured by a Department owned recording device or a personal device, as authorized by policy 424.2. This includes, but is not limited to:

1. Fixed position cameras,
2. Handheld video cameras,
3. In-Car Video Systems (ICV),
4. Body Worn Cameras (BWC),
5. 911 recordings,
6. Dispatch recordings,
7. Audio recorders (digital recorders, cell phone, etc.),
8. Aerial video,
9. A Member's personal device as authorized by policy 424.2.

303.2 POLICY

It is the policy of the Department to extend to its Members the ability to review all available Department media when writing reports, preparing for courtroom testimony and prior to making voluntary statements.

However, Members should not use the fact that a recording was made as a reason to write a less detailed report, or use the recording as a substitute for their own perceptions and observations. Whenever a Member reviews Department media recordings to refresh his or her recollection for the purpose of report writing, it shall be documented on the initial crime report or any supplemental reports that such Department media recording was reviewed.

It is the discretion of the Sheriff or his/her designee to prohibit the review of any Department media if it is determined to be in the best interest of the Department and/or County.

Members who are the subject of an administrative discipline investigation may be required to give a statement prior to reviewing any Department media.

Members shall not play back Department media recordings to allow members of the public to view them.

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303.3 ADDITIONAL VIEWER AUTHORIZATION

Recorded files may also be disclosed as follows:

1. To any Department Member who is conducting an official investigation such as a personnel complaint, administrative investigation, or criminal investigation;
2. To executive command, managers, and supervisors for a specific business purpose such as commendations, training, an official investigation (such as a personnel complaint, administrative investigation or criminal investigation), a clear and reasonable concern of unprofessional conduct, and the review of critical incidents. Audits of recordings will be documented utilizing available system functions;
3. To any Department Member prior to responding to a court process (e.g. discovery request, subpoenas duces tecum, court orders) or to those in a court proceeding who are otherwise authorized to review evidence in a related case;
4. To prosecuting agencies for the purpose of reviewing evidence;
5. Pursuant to a Risk Management Bureau request;
6. To the IT staff for the purpose of providing user support, infrastructure assistance, and quality assurance of recordings (clarity, lighting, video, audio, etc.).

303.4 CALIFORNIA PUBLIC RECORDS ACT (CPRA) AND/OR RELEASE TO MEDIA

Recorded files may be released to the public and/or media under the following circumstances:

1. Members responding to a Public Records Act are authorized to access and view media in response to the request;
2. Recordings may be released to the media with permission of the Sheriff or the Sheriff's authorized designee;
3. Prior to release of recordings under this section, the Sheriff or his/her designee shall make a reasonable attempt to provide advance notice to the Member who recorded the media as well as all other Members who are recognizable in the recording via chain of command by phone or email.

303.5 RECORD KEEPING REQUIREMENTS

Any access to Department media recordings and metadata will be documented within the system's internal audit trail to protect the integrity of the files.

Only authorized personnel will make redactions, when necessary, and retain the redacted copies within the system.

Files should be securely stored and managed in accordance with established procedures, policies and best practices, including the Department's Records Retention, and Disposition Schedule.

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Flying While Armed

305.1 PURPOSE AND SCOPE

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

305.2 AUTHORITY AND RESPONSIBILITY

Must be a current, duly sworn Member of the Orange County Sheriff's Department.

Must be sworn and commissioned to enforce criminal or immigration statutes.

Must be authorized by employing agency to have a firearm in connection with assigned duties.

Those wishing to fly while armed must be flying in an official capacity. There must be a "need" for the deputy to have the firearm on a specific flight segment (as opposed to securing the firearm in checked baggage). Need is determined by the Law Enforcement Officer's employing agency, Department or service, for example (As outlined in 49CFR1544.219):

1. Protective escort duty and related travel.
2. Hazardous surveillance operation.
3. On official travel and required to arrive prepared for duty.
4. Federal Law Enforcement Officer, whether or not on official travel, armed in accordance with agency wide policy.
5. In control of a prisoner (includes traveling to or returning from). [49CFR1544.221] (f) Federal Air Marshal [49CFR1544.223]

Travel to and from training sessions where the weapon is needed during the exercise does not qualify as a "need" for flying armed.

305.3 REQUIREMENTS TO FLY ARMED

The Sheriff shall approve the travel of the Undersheriff while armed. The Undersheriff shall approve the travel of the Assistant Sheriffs while armed. The Assistant Sheriffs shall approve the travel of armed personnel within their commands.

The following protocol is intended to insure the accountability and tracking of the Department's Training practices for deputies flying armed:

1. Deputies intending to carry their firearm on a commercial flight shall be required to complete the P.O.S.T. "Extradition Procedures Update." This procedure shall satisfy the required TSA training course per [49CFR1544.219].
    (a) To complete the POST "Extradition Procedures Update" course deputies can go on line to http//post.ca.gov. Click on the POST Learning Portal and complete the registration process. After registering, log on. Click on the Extradition Procedures Update and complete the course. Print out the Proof of Completion

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certificate for verification and submit it to the Fugitive Warrants Bureau. The course takes approximately two (2) hours.

2. Deputies needing to fly armed on Sheriff's Department business shall contact the Fugitive Warrants Bureau. The Fugitive Warrants staff shall verify the deputy has completed the "Law Enforcement Officers Flying Armed" training within the past year and shall then generate a teletype message as required by TSR1544. Sheriff's Teletype can assist with teletype messages when Fugitive Warrants Bureau staff is unavailable.

    (a) The Fugitive Warrants Bureau or Teletype shall then submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA shall send the Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message to TSA at the Security Screening Checkpoint as authorization to travel while armed on the day of travel.

    (b) The Fugitive Warrants Bureau or Teletype needs to be notified immediately if there are any changes to the flight itinerary. Any changes to the flight itinerary shall require a new NLETS message containing a new alphanumeric identifier.

3. Deputies must carry their Department identification card which must contain their full name, badge number, full-face picture with the officer's signature, and the signature of the Sheriff or the official seal of the Department. This Department issued identification shall be presented to airline officials and TSA when requested.

4. The Deputy shall also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport). Deputies shall also carry their flight itinerary along with their supervisor or Commander's contact information.

5. It is the Deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter. Deputies should inquire with the airline officials at the ticket counter regarding other law enforcement agencies that may be flying armed on their particular flight.

6. This policy applies to all deputies whether in uniform or in civilian attire. For additional information, contact the Fugitive Warrants Bureau at (714) 647- 7072 or 7073.

Note: In the event it becomes necessary to place your firearm and ammunition in checked baggage, it must be secured in a hard-sided, locked container. Declare the firearm and ammunition when the container is checked [49CFR1544.203]. The firearm must be unloaded and the ammunition stored in factory, or similar, packaging. You maintain the key to the locked container. If the hard-sided, locked container is inside a piece of checked baggage, the aircraft operator generally will place a "Firearm(s) Unloaded Declaration Form" inside the bag proximate to but not inside of the gun case. If the firearm is not inside another piece of checked baggage, the aircraft operator generally places the declaration form inside the hard-sided, locked container. Lockable gun cases are available at the Fugitive Warrants Bureau and at the Range.

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Hobble Restraint

306.1 PURPOSE AND SCOPE

The proper use and application of the Hobble restraint can reduce the potential of injury and damage to property when dealing with violent or potentially violent persons. This section provides guidelines, policy, and procedures for the proper use of the Hobble restraint procedure.

306.2 POLICY

When a deputy deems it reasonable to Hobble a violent or potentially violent person during the course of detention, arrest, and/or transportation, only those restraint devices approved by the Department shall be used, and only in the Departmentally approved manner for such temporary immobilization of the legs.

306.3 AUTHORIZED EQUIPMENT

The following restraint devices shall be provided to all field supervisors by the Department and are the only restraint devices authorized in the use of the Hobble restraint procedures. Deputies who have been departmentally trained in the use of these restraint devices may purchase and carry them on-duty at their own expense*:

1. Ripp Hobble restraint device: The Ripp Hobble is made of one-inch wide polypropylene webbed belting with a tested strength of 700 lbs. The hobble has a one-inch wide side, alligator-jawed, friction-locking clip and steel-snap swivel. The overall length of the hobble shall be a minimum of 42 inches.
2. EZ Leg Control Belt: The EZ Leg Control Belt is a black nylon belt that is 2 inches wide with a 7 inch loop at the end with a tensile strength of 518 pounds. The control belt is equipped with a 2 inch black buckle, 2 inch D-Ring, and 3 inch Aluminum Carabiner. The overall length of the control belt is 90 inches.

**It shall be the responsibility of the individual Deputy to maintain and carry the device in a serviceable condition.*

NO OTHER EQUIPMENT IS AUTHORIZED.

306.4 USE OF HOBBLE RESTRAINT

In determining whether to use the Hobble restraint procedure, deputies should consider the following:

1. If the deputy and/or others are subject to harm due to the assaultive behavior of a violent, resisting, and/or attacking suspect.
2. If it is reasonable to protect the suspect from his/her own actions which would place him/her in danger e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting deputy while handcuffed, kicking at objects or deputies.
3. Due caution should be considered when applying the Hobble restraint procedure on persons in the following classes:
    (a) Juveniles

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(b) Pregnant women

(c) Persons who are visibly frail

(d) Individuals who have a preexisting medical condition that increases danger, and of which deputies become aware.

(e) Elderly

4. Other Considerations:

(a) The distance between the Hobbled person and the transporting unit. If practical, bring the transporting unit to the Hobbled subject.

(b) Avoid having the Hobbled person walk long distances or challenging terrains (stairs and slopes, etc.) to the transporting unit. If the Hobbled person must be carried, a minimum of two deputies is preferred. At no time should the Hobble device be used to carry the person.

5. Deputies assigned to Custody Operations shall follow **CCOM Section 1800**in regards to the use of leg restraints, authorized equipment, and routine transportation of inmates.

306.5 PROCEDURE

Hobbling procedures:

The Hobble restraint procedure shall be used only after a person has been handcuffed. The Hobble shall only be used with either the Ripp Hobble restraint device or the EZ Leg Control Belt to bind and immobilize a person's legs. Only those deputies trained in the use of the Hobble restraint procedure are authorized to employ it on any person. The following procedures shall be used when applying the Hobble restraint device:

1. If practical, deputy(s) should notify a supervisor of the intent to apply the Hobble. In all cases, a supervisor shall be notified as soon as practical after the application of the Hobble and the Field Supervisor shall respond to the scene.
2. Once secured, the person should be placed in a seated or upright position and shall not be placed on his/her stomach for an extended period as this may potentially reduce the person's ability to breathe.
3. Absent a medical emergency, the person being Hobbled shall remain restrained until the deputy arrives at the jail or other facility or the person no longer poses a threat.
4. The deputy is to ensure the person does not roll onto and remain on his/her stomach.
5. The deputy is to look for signs of labored breathing and, where practical, take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

306.5.1 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of an injury or continuing pain, or who has been rendered unconscious. Based upon the deputy's initial assessment of the nature and extent of the

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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 practical, should be witnessed by another deputy and/or medical personnel and a supervisor notified. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain, or has been in a protracted physical encounter with multiple deputies to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

306.6 TRANSPORTING HOBBLED PERSONS

When transporting a person who is Hobbled, deputies shall observe the following procedures:

1. Hobbled suspects may be transported in a patrol unit. They should be seated in an upright position and secured by a seatbelt. The long lead of the restraint should be placed outside the rear door and brought up through the front door to prevent the lead from dragging on the ground. When the person cannot be transported in a seated position he/she should be taken by ambulance/paramedic unit. Deputies shall inform the jail and jail medical staff that the arrestee/suspect had been Hobbled prior to arrival at the jail.
2. Deputies transporting arrestees/suspects in unmarked Department vehicles not equipped with a cage partition, may Hobble and transport arrestees/suspects who are cooperative, as an added security measure, to reduce the likelihood of escape, and for officer safety reasons (e.g., the transportation of arrestees/suspects by plain clothes personnel driving unmarked Department vehicles). However, if the arrestee/suspect is violent or may be potentially violent, they should be transported in a vehicle with a cage partition.

306.7 DOCUMENTATION

Any use or application of the Hobble restraint shall require appropriate documentation. The Member should include the following in the report:

1. The amount of time the subject was Hobbled.
2. How the subject was transported and the position of the subject.
3. Observations of the subject's physical and physiological actions.
4. Any known or suspected drug use or other medical problems by the subject.

Non-Compliant Subjects

1. All incidents where resistance was met in the application of the Hobble shall be documented in accordance with Policy 300.6.

Compliant Subjects

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1. In incidents where the subject was compliant during the application of the Hobble and remained compliant while the Hobble was on, the use of the Hobble shall be documented promptly and accurately in an appropriate incident report.

306.8 TRAINING REQUIREMENT

All deputies must read this policy and view the "Hobble Restraint Procedure" training video located on MY18, prior to deploying the Hobble Restraint Procedure in the field. This training video can be located by typing "Hobble" in the search bar, then selecting "Hobble Restraint Procedure" under Postings, Forms & Content.

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Hate Crimes

307.1 PURPOSE AND SCOPE

Message from the Sheriff:

Hate Crimes convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly, they may undermine public confidence in law enforcement.

Crimes motivated by hate are not simply assaults, property damage, or violations of civil rights. They are crimes that specifically target individuals with particular characteristics. As such, they provide fuel for the prejudices and fears that underline these crimes; thus, continuing the cycle of hatred, prejudice, and bias. Enforcement of hate crime laws are important because they send a clear message to would-be perpetrators that hate crimes do not just affect the intended victim and that law enforcement, and the communities that we serve, will not tolerate these types of crimes. The broad impact of hate crimes makes them a major concern for all law enforcement agencies.

The Orange County Sheriff's Department Vision Statement reflects, "A community where every person feels safe and valued." It is essential that our Department address hate crimes in a manner that most effectively accomplishes prevention and rapid apprehension of perpetrators.

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 Department 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).

307.1.1 DEFINITIONS 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 laws, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

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.

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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.

Disability bias – is a preexisting negative attitude towards persons with perceived or actual disabilities. In recognizing suspected disability bias hate crimes, 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; and/or
- Perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in 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 - means sex and includes a person's gender identity and 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 - is a person's sense of being male, female, some combination of male or female, or neither male nor female. (15 CCR § 1006.)

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:

1. Disability
2. Gender
3. Nationality
4. Race or ethnicity
5. Religion
6. Sexual Orientation
7. Association with a person or group with one or more of these actual or perceived characteristics:

   "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,

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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.

Hate incident - Per the California Attorney General, a hate incident is an action or behavior motivated by hate or bias but which, for one or more reasons, is not a crime. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Displaying hate material on your own property
- Posting hate material that does not result in property damage
- Distribution of materials with hate messages in public places

Hate speech - The U.S. Constitution allows hate speech as long as it does not interfere with the civil rights of others. While these acts are certainly disagreeable, offensive or hurtful, they do not rise to the level of criminal violations and thus may not be prosecuted. However, these incidents have a traumatic impact on the victims as well as on the community at large:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

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 - means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - includes ancestry, color, and ethnic background.

Religion - includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

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Religion bias - A negative attitude towards persons based upon their perceived or actual religious beliefs, lack of beliefs, membership, or lack of membership in a faith group. In recognizing suspected religion-bias hate crimes, 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.

Examples of religions and such symbols and articles include, but are not limited to:

- In Buddhism; statues of the Buddha
- In Christianity; crosses
- In Hinduism; forehead markings, known as bindis and tilaks, Aum/Om symbols, and images of deities known as murtis
- In Islam; hijabs
- In Judaism; Stars of David, menorahs, and yarmulke
- In Sikhism; turbans, head coverings, and unshorn hair, including beards

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, bisexuality, a sexual, polysexual or pansexual.

Victim - includes but is not limited to:

- 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

307.2 POLICY

It is the policy of the Orange County Sheriff's Department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/

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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 Department Members are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or designee to whom the Sheriff formally delegates this responsibility.

307.3 PREVENTION AND PREPARATION

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 Members 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, and should be documented for informational purposes.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community, after such crimes helps to reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes.

307.3.1 HATE CRIMES COORDINATOR

To assist with preventing hate crimes, the Sheriff designates the Captain of the Counter Terrorism Bureau, or their authorized designee, to fill the role of Hate Crimes Coordinator. The Hate Crimes Coordinator will be responsible for ensuring the following functions are completed, consistent with Penal Code § 422.87.

1. Developing and maintaining relationships with targeted communities through the Sheriff's interfaith and community councils to engage them in ongoing meetings focused on hate crime activity, trends and the importance of reporting hate crimes and hate incidents to include school and education partners. These meetings are generally held in collaboration with nonprofits or community organizationsfocused on the prevention of hate activity.
2. The Department will collaborate with the Orange County Human Relations Commission to address hate crime prevention and response. The Hate Crimes Coordinator will be the liaison to work directly with the designated Orange County Sheriff's Department Orange County Human Relations Commissioner.

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3. The Orange County Intelligence Assessment Center (OCIAC) will establish and maintain relationships with formal community-based organizations and leaders through public outreach and in coordination with the Public Affairs and Community Engagement Division(P.A.C.E.).
4. The OCIAC will review open-source intelligence and public social media sources in order to find and evaluate possible hate crimes. Intelligence and social media sources will be analyzed for possible hate crime suspects and suspect information will be provided to the appropriate law enforcement agency having jurisdiction.
5. The Hate Crimes Coordinator is responsible for ensuring the Victim Assistance Information card and Hate Crimes brochure are up to date and available to Department personnel for distribution.
6. The Hate Crimes Coordinator will review the California Attorney General's latest opinions on hate crime statistics and targets, as well as the Orange County Hate Crime Report produced by the Orange County Human Relations Commission, in order to identify trends in hate activity and plan outreach efforts to targeted communities, such as such as immigrant, Muslim, Arab, LGBTQ, Black or African- American, Jewish, and Sikh persons and persons with disabilities.
7. Where appropriate, coordinate 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.
8. The Hate Crime Coordinator will collaborate with county agencies to include the Orange County District Attorney's Office and their respective reporting program designees to address underreporting. Additionally, the Department will continue its outreach campaign to address hate activity and promote available reporting resources such as "2-1-1", the Orange County Human Relations Commission as well as education through the Department's Hate Crime brochure.
9. Revise the Department's hate crime brochure. Ensuring the brochure is readily available on the Department's intranet website (Penal Code § 422.92; Penal Code § 422.87). The Coordinator is also responsible for ensuring that all sworn Members are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
10. An annual review and assessment of this policy, including:
    (a) 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.
    (b) 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.
    (c) Hold at least one annual meeting to engage Department stakeholders. Department stakeholders include members of the public, private sector entities, non-governmental organizations, houses of worship, the OC Sheriff's Interfaith Advisory Council members, and others to address faith-based hate crimes.

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(d) Review the hate crimes brochure to ensure compliance with Penal Code § 422.92.

307.3.2 RELEASE OF INFORMATION

Releasing information about hate crime incidents assists with preventing hate crimes. The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by Policy 805 - Records Maintenance and Release or as allowed by law. In accordance with Policy 340 - News Media Relations,by the P.A.C.E. Division 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 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.

307.4 RESPONSE

307.4.1 INITIAL RESPONSE

Whenever any deputy receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

1. Assigned deputy(s) should promptly contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate. Responding deputy(s) should be sensitive to the effects of the crime on the victim, determine whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency's hate crimes brochure, as required by Penal Code § 422.92.

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(a) When documenting the potential hate crime, deputy(s) shall complete the Hate Crime Supplemental Report Form(POST 2-365) by selecting the Hate Crime box in the Department's electronic reporting system. Through the system, deputies will complete the predefined electronic form which incorporates required information listed in POST 2-365. If Department's electronic reporting system is inaccessible, deputies will utilize the Hate Crime Supplemental Report attached to this policy.

2. A supervisor shall be notified of the circumstances as soon as practical.

3. Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned deputy(s) shall take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.

4. Assigned deputy(s) shall conduct a preliminary investigation and record pertinent information including, but not limited to:

   (a) Prior occurrences, in this area or with this victim

   (b) Statements made by suspects; exact wording is critical

   (c) The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.

   (d) Identification of suspected perpetrator(s)

   (e) Identify criminal evidence on the victim

5. Based upon available information, the deputy(s) should take appropriate action to mitigate further injury or damage to potential victims or the community.

   (a) Deputy(s) should attempt to contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the deputy once the offense is documented.

6. The assigned deputy(s) shall interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. The assigned deputy should also make attempts to identify witnesses who may no longer be in the area for further investigation. Request the assistance of translators or interpreters when needed to establish effective communication, including the use of appropriate accommodations for people with disabilities (e.g., Braille, visuals).

   (a) No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for any actual or suspected immigration violation or reported or turned over to federal immigration authorities (Penal Code § 422.93(b)).

7. Offer of victim confidentiality per Government Code § 7923.615.

8. Depending on the situation, the assigned deputy(s) or a supervisor may request additional assistance from Investigations or other resources to further the investigation.

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9. The assigned deputy(s) shall include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports shall be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, shall be completed and submitted by the assigned deputy(s) before the end of the shift. Evidence may include:
    (a) Hate literature
    (b) Spray paint cans or markers
    (c) Threatening letters
    (d) Symbols used by hate groups
    (e) Desecration of religious symbols, objects, or buildings

307.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime should take all actions deemed reasonably necessary in accordance with Department policy and their training and experience including completing the requirements outlined in the "Initial Response" if not handled by the initial responder. Additionally, an Investigator should, in their discretion, do the following:

1. Consider typologies of perpetrators of hate crimes,including, but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes in a professional manner.
3. Provide victim assistance and follow-up as described in section 307.6.
4. Canvass the area for additional witnesses.
5. Identity of suspected perpetrator(s).
6. Examine suspect's social media activity for potential evidence of bias motivation.
7. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and determine if organized hate groups are involved.

307.4.3 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding deputy(s) to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Ensure that hate crimes are properly investigated, documented, and reported.
2. Ensure hate crimes are properly labeled and flagged in the Department's electronic reporting system after being reviewed by a supervisor.
3. The Investigative Sergeant should make the final determination as to whether the incident meets the legal requirements of a hate crime for state and federal reporting purposes.

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4. 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.
5. The supervisor shall notify the Department Commander of the hate crime incident. The Department Commander shall notify the OCIAC Sergeant and the Public Information Officer of any hate crime related incident or any suspected multi-mission extremist crime. Per CA POST, "When an individual or group commits a crime motivated by two or more criminal extremist views, the acts would be considered multi-mission criminal extremism."
6. The OCIAC Sergeant will be responsible for reviewing hate crime incidents and reports to identify trends and make necessary notifications to local, state or federal stakeholders, as needed.
7. Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning a deputy at specific locations that could become targets or increase neighborhood surveillance.
8. Initiate the investigation into any report of a hate crime committed under the color of authority per Penal Code § 422.6 and § 13519.6.
9. Refer to Patrol Operations Manual (POM) Section 52 for operational considerations when responding to a hate crime.

307.5 ACCESSING ASSISTANCE

If additional assistance is necessary for the investigation, the Investigations Division Commander, or his/her designee, may authorize the activation of the California Department of Justice Hate Crime Rapid Response Protocol. While all hate crimes should be investigated and prosecuted to the fullest extent by the local law enforcement agencies with jurisdiction, the Rapid Response Protocol is designed to be invoked in response to the most complex and significant hate crime incidents, such as the following:

1. Hate crimes resulting in a death, especially in jurisdictions with fewer resources available to address the investigation and prosecution of a homicide or a hate crime;
2. Acts of arson resulting in significant damage;
3. Use of explosives; and/or
4. A mass casualty incident.

307.6 VICTIM ASSISTANCE

1. The assigned deputy(s) shall provide the victim(s) of any suspected hate crime with a link for victim assistance, which includes a brochure in digital format on hate crimes (Penal Code § 422.92). Such brochures shall also be available to members of the general public upon request. The assigned deputy(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
2. The assigned deputy(s) and supervisor should take reasonable steps to ensure that any hate crime incident does not escalate further (e.g., possible Temporary

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Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

3. The initial responder, investigator, supervisor or victim assistance staff, as determined appropriate in a particular case, should take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:

   (a) Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.

   (b) Provide ongoing information to victims about the status of the criminal investigation.

   (c) Offer to Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups. The brochure includes language regarding California law prohibits law enforcement authorities from asking individuals, including those who are reporting or are victims of potential crimes, about their immigration status. Individuals seeking to obtain a U visa (Visa for a crime victim) or a T visa (Visa for a human trafficking victim), may wish to voluntarily provide information about their immigration status to law enforcement authorities to be certified for a U visa or T visa.

4. A supervisor, or other appropriate personnel as determined by the Department, should provide immediate assistance to the crime victim by:

   (a) Expressing the Department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators. The Department brochure includes a statement supporting the Departments official position regarding hate crimes.

   (b) Expressing the Department's interest in protecting victims' anonymity to the extent possible and confirming that the victim was provided the option to choose to keep their identity confidential as allowed by Government Code § 7923.615.

   (c) Providing an outlet for the victim to convey their immediate concerns and feelings.

   (d) Confirm that the victim has been offered information on individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, childcare, or other related services (per PC § 422.92).

307.7 REPORTING

In addition to the above described duties (see 307.3.1), supervisors are responsible to ensure statutorily required reports to Department of Justice are completed.

1. Verify hate crime data is provided to the Records Division through Departmental reports for mandated reporting to the Department of Justice.

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(a) The P.A.C.E. Division, in coordination with the Records Division, will ensure the Department's hate crime data is posted monthly on the Department's website OCSheriff.gov (Penal Code § 13023).

2. The S.A.F.E. Division Commander or the authorized designee, in coordination with the OCIAC Sergeant, shall ensure that all data required by the Department of Justice (DOJ) hate crimes is collected and provided to the Records Division to be reported annually to DOJ (Penal Code § 13023).

307.8 TRAINING

All sworn Members shall receive training on hate crime recognition and investigation consistent with Penal Code § 13519.6. Training will also include (Penal Code § 422.87) information on the following :

1. 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, and the Department's plan to address underreporting.
2. Information regarding the general underreporting of hate crimes, including the more extreme underreporting of anti-disability and anti-gender hate crimes.
3. Distribution of hate crimes brochures to victims of hate crimes and hate incidents as well as all other interested persons.
4. Identifying when a gun violence restraining order (GVRO) may be an appropriate tool for preventing hate crimes and the procedures for seeking a GVRO. Department Members should refer to Department Policy 339 - Gun Violence Restraining Order for specific procedures on seeking a GVRO.

307.8.1 TRAINING OF PEACE OFFICER RECRUITS

In accordance with Penal Code §13519.6(a)(1) and (d)(1), the curriculum for the POST basic certificate, which is provided to peace officer recruits through the Sheriff's Academy and required for all new deputies hired by the Department, includes instruction on hate crimes. Additionally, in accordance with Penal Code § 13519.6(e)(1), the curriculum for the basic certificate includes the video developed by POST entitled "Hate Crimes: Identification and Investigation."

Sworn Members are required to repeat hate crimes training, as described above, once every 6 years. The Training Division tracks each Sworn members' attendance at the hate crimes training, and sends reminders to each Sworn member when the training must be repeated.

307.8.2 TRAINING OF EXISTING SWORN MEMBERS

In accordance with Penal Code § 13519.6(e)(1), existing peace officers employed by the Department have been required to complete, via the POST learning portal the video facilitated course "Hate Crimes: Identification and Investigation" or other commission certified hate crimes courses.

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307.8.3 ALL STAFF TRAINING ON POLICY
All staff including but not limited to dispatch, desk personnel, volunteers, records, support staff, peace officers, supervisors and managers shall review the Department's Hate Crimes Policy. Members will review the policy on the LEXIPOL platform, and acknowledge they have read and understood it.

Department Members can access the policy via the LEXIPOL website using Department computers and department-issued cell phones. Updates and notifications regarding the policy are transmitted through LEXIPOL as needed to ensure Members are informed of any changes.

307.9 RELEVANT CRIMINAL STATUTES

Penal Code § 422 - Prohibits verbal, written, or electronically transmitted threats to commit great bodily injury or death to another or his/her immediate family.

Penal Code § 422.6(a) - Prohibits the use of force or threats of force to willfully injure, intimidate, interfere with, oppress, or threaten any person in the free exercise or enjoyment of rights and privileges secured by the Constitution or law because of the person's real or perceived characteristics listed in Penal Code § 422.55(a). Speech alone does not constitute a violation of this section except when the speech itself threatened violence and the defendant had the apparent ability to carry out the threat.

Penal Code § 422.6(b) - Prohibits knowingly defacing, damaging, or destroying the real or personal property of any person for the purpose of intimidating or interfering with the free exercise or enjoyment or rights and privileges secured by the Constitution or law because of the person's real or perceived characteristics listed in Penal Code § 422.55(a).

Penal Code § 422.7 - Provides for other criminal offenses involving threats, violence, or property to become felonies if committed for the purpose of intimidating or interfering with the free exercise or enjoyment or rights and privileges secured by the Constitution or law if the property damage exceeds $950, the crime includes the present ability to commit a violent injury or causes actual physical injury, or the person charged has previously been convicted of violating or conspiring to violate Penal Code 422.6.

Penal Code § 422.55 - Provides general definition of hate crimes in California.

Penal Code § 422.56- Provides definitions of terms included in hate crimes statutes.

Penal Code § 422.77 - Provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1.

Penal Code § 11411 - Prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem, or other physical impression including Nazi swastika, noose, or burning cross.

Penal Code § 11412 - Prohibits terrorizing threats of injury or property damage to interfere with the exercise of religious beliefs.

Penal Code § 594.3 - Prohibits vandalism to religious buildings, places of worship, or cemeteries.

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Penal Code § 11413 - Prohibits arson or use of explosives or other destructive devices for terrorizing another at health facilities, places of religion, locations where activities or information-sharing related to abortion take place, bookstores or libraries, courthouses, homes of judicial officers, county probation department locations, public or private schools for kindergarten or grades 1-12, and private property targeted because of the actual or perceived characteristics of the owner or occupant listed in Penal Code § 422.55(a).

The above list is not exhaustive. Additional crimes may have a nexus to hate or bias. For more information on other relevant crimes, contact your supervisor.

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Unmanned Aerial Vehicle (UAV)

308.1 PURPOSE AND SCOPE

The following procedures are intended to promote the safe, efficient, and lawful operation of the Orange County Sheriff's Department (OCSD) Unmanned Aerial Vehicles (UAVs) regardless of the nature of the mission.

308.1.1 DEFINITIONS

After Action Report (AAR) / Flight Log: The AAR is completed after each mission by the Remote Pilot in Command (RPIC) to conduct a structured review of the mission to analyze performance, identify lessons learned, improve future safety, efficiency, and operational success.

Drone as First Responder (DFR): Prepositioned drones at launch stations, enabling rapid, remote UAV deployment to incidents.RPICs fly UAVs from a remote location beyond visual line of sight to assist in gathering information on calls for service for the purpose of public safety.

Master Maintenance Log: A master maintenance log shall be maintained by the Real Time Operations Center (RTOC). The master maintenance log shall be comprised of information derived from each UAV's maintenance record.

Maintenance Record: The maintenance record shall document all maintenance performed on a UAV.

Mission Brief Form: This form captures the nature of the UAV mission and provides the documentation necessary to track the use of UAVs. A Mission Brief is only required when a UAV flight's data is not automatically captured on its software.

Person Manipulating the Controls: A person other than the RPIC who is controlling the flight of a UAV under the supervision of the RPIC.

Remote Pilot in Command (RPIC): A person who holds a remote pilot certificate with a remote pilot rating pursuant to 14 C.F.R. § 107.52 et seq., and has the final authority and responsibility for the operation and safety of the UAV operation. The RPIC shall also meet the training requirements as detailed in the OCSD's UAV Training Manual, which includes a requirement to be certified by UAV Chief Pilot.

Unmanned Aerial Vehicle Chief Pilot: The UAV Chief Pilot is the designated UAV RPIC that will conduct flight evaluations on OCSD UAV RPICs to ensure standardization of UAV deployments and to check knowledge of FAA regulations.

Unmanned Aerial Vehicle (UAV): An aerial vehicle (weighing more than 0.55 pounds, and less than 55 pounds including everything that is onboard or otherwise attached to the aircraft) which can be flown without the possibility of direct human intervention from within or on the aircraft.

Visual Observer (VO): A person acting as a flight crew member who assists the UAV remote RPIC and/or the person manipulating the controls to see and avoid other air traffic or objects aloft or on the ground.

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308.2 POLICY

It shall be the mission of those Members of the Department who are trained in the use of the UAV to use this resource to protect the lives and property of the people in Orange County and public safety personnel in full compliance with applicable laws and regulations, including but not limited to the State and Federal Constitutions and Federal Aviation Administration (FAA) regulations. UAVs shall not be used for missions that would violate the privacy rights of the public.

The use of a UAV can support public safety personnel in situations which would benefit from an aerial perspective and enable responders to detect dangers that could otherwise not be seen. The UAV can also be utilized for approved training missions.

308.3 PROTECTION OF RIGHTS AND PRIVACY CONCERNS

The Department shall consider the protection of individual civil rights and the reasonable expectation of privacy as a key component of any decision made to deploy the UAV. Each UAV RPIC and VO shall ensure that operations of the UAV are consistent with federal, state, and local laws.

Absent a warrant or exigent circumstances, RPICs shall adhere to FAA altitude regulations and RPICs and VOs shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., inside residences, enclosed yards, garages, or other structures on a property).

RPICs and VOs 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 UAV operations.

Any official legitimate law enforcement or public safety purposes reference in this policy shall be limited to purposes that comply with this policy and any applicable laws, including but not limited to California Civil Code 1798.90.5 et seq. The following uses of the UAV are specifically prohibited:

1. To conduct random surveillance activities.

2. To target a person based solely on a person's or group's actual or perceived characteristics such as race, ethnicity, national origin, religion, gender, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, political affiliation, disability, or other classification protected by law.

3. To harass, intimidate, or discriminate against any individual or group.

4. For the purposes of infringing on the lawful exercise of rights protected by the First Amendment.

5. For non-law enforcement matter or to conduct personal business of any type.

6. In an unsafe manner or in violation of any applicable laws, rules, or regulations.

7. The UAV shall not be equipped with weapons of any kind.

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308.4 UAV MISSIONS

The Department is committed to maintaining strong public support in the use of UAVs to better support public safety in Orange County. The Department shall adhere to all laws and regulations including 14 C.F.R. § 107 et seq., which are the same stringent regulations established for civilian commercial operators.

1. The authorized missions for the Department UAVs are:
    (a) Post-incident crime scene preservation and documentation,
    (b) Hazardous Devices Section missions,
    (c) Response to hazardous materials spills,
    (d) Traffic collision investigations,
    (e) Search and Rescue (SAR) missions as defined in the Department SAR Operations Manual,
    (f) Public safety and life preservation missions to include, but not be limited to, calls for service, barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous and/or violent suspects, and high-risk search warrants,
    (g) Disaster response and recovery to include natural or human caused disasters including a full overview of a disaster area for post incident analysis and documentation,
    (h) Training flights in support of the Department UAV Training Manual,
    (i) For fire response and prevention,
    (j) When there is probable cause to believe that (1) the UAV may record images of a place, thing, condition, or event; and (2) that those images would be relevant in proving that a crime had occurred or is occurring, or that a particular person committed or is committing a crime and use of the UAV does not infringe upon the reasonable expectation of privacy,
    (k) Pursuant to a search warrant,
    (l) Inspection of Orange County property and facilities, to include OCIAC locations designated under the US Department of Homeland Security's Critical Infrastructure Sectors.
    (m) Production of video for the Department and other County of Orange agencies/ departments for promotional, educational and/or training purposes.
    (n) Drone as First Responder (DFR) program.

308.5 UAV OPERATIONS

This policy outlines the responsibilities associated with the deployment of UAVs for those personnel assigned to the Department UAV program. The Real Time Operations Center (RTOC) Captain will manage the UAV program and shall manage the program to ensure safe, effective UAV deployments are within Department policies and procedures.

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Unmanned Aerial Vehicle (UAV)

This policy is to be followed for general operations, information gathered, and law enforcement purposes. The Department shall operate UAVs in a manner which observes Constitutional rights, and in accordance with local, state, and federal laws and regulations.

All UAV pilots must maintain a Remote Pilot Certification pursuant to 14 C.F.R. § 107.52 et seq.UAV pilots must pass an in-house written test and check flight test (If the employee fails the initial written test and/or check flight test, they will be remediated on their deficiencies and given an opportunity to retest after 7 days).

In consultation with the RTOC, the deployment of UAVs shall only be for authorized missions, and they must comply with the approval authority and Members from the matrix below:

Authorized use of UAVs	Approval Authority	Deployment Type	Member
(a) Post-incident crime scene preservation and documentation	Unit Supervisor	Static/Dynamic	Any FAA Certified Member
(b) Hazardous Devices Section missions	Unit Supervisor	Dynamic	Any FAA Certified Member along with one CPC 830.1 Member
(c) Response to (non-criminal) hazardous materials spills (for criminal cases, refer to section (f) below)	Unit Supervisor	Dynamic	Any FAA Certified Member
(d) Traffic Collision Investigations	Unit Supervisor	Dynamic	Any FAA Certified Member
(e) Search and Rescue (SAR) missions as defined in the OCSD SAR Operations Manual	Unit Supervisor	Dynamic	Any FAA Certified Member
(f) Public safety and life preservation missions to include calls for service, barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous and/or violent suspects, criminal hazardous materials investigations, and high-risk search warrants	Unit Supervisor	Dynamic	Any FAA Certified Member along with one CPC 830.1 Member

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(g) Disaster response and recovery to include natural or human caused disasters including a full overview of a disaster area for post incident analysis and documentation	Unit Supervisor	Dynamic	Any FAA Certified Member
(h) Training flights in support of the OCSD UAV Training Manual	Unit Supervisor	Dynamic	Any FAA Certified Member
(i) In response to specific requests from local, state or federal fire authorities for fire response and prevention	Unit Supervisor	Dynamic	Any FAA Certified Member
(j) When there is probable cause to believe that (1) The UAV may record images of a place, thing, condition, or event; and (2) That those images would be relevant in proving that a crime had occurred or is occurring, or that a particular person committed or is committing a crime and use of the UAV does not infringe upon the reasonable expectation of privacy	Unit Supervisor	Dynamic	Any FAA Certified Member along with one CPC 830.1 Member
(k) Pursuant to a search warrant	Unit Supervisor	Dynamic	Any FAA Certified Member along with one CPC 830.1 Member
(l) Inspection of Orange County property and facilities occupied by the Orange County Sheriff's Department, to include OCIAC locations designated under the US Department of Homeland Security's Critical Infrastructure Sectors.	Unit Supervisor	Dynamic	Any FAA Certified Member

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(m) Production of video for OCSD and other County of Orange agencies/departments for promotional, educational and/or training purposes	Unit Supervisor	Dynamic	Any FAA Certified Member
(n) Drone as First Responder (DFR)	RTOC RPIC	Dynamic	Any FAA Certified 830.1 Member

When deployed in a timely manner, UAVs enhance safety for law enforcement and the community. Policy Sections 308.5 (b), (f), (j) and (k) require a Sworn Member to be either the RPIC or VO. A supervisor, Incident Commander, or other Sworn Member with authority over the use of a UAV may authorize the operation of a UAV by non-Sworn Members in an emergency situation if a Sworn Member is not immediately available or may otherwise be more usefully deployed elsewhere.

All non-Sworn Members, as referenced above, must be trained and certified by the OCSD as having the requisite knowledge to safely operate a UAV. For DFR, the non-Sworn Member must be listed as an RPIC used for DFR.

When a trained Sworn Member later becomes available, that Sworn Member will be assigned as the RPIC or VO.

308.5.1 INFORMATION DISTRIBUTION

UAV personnel are responsible for ensuring they are informed about the specifications that apply to his/her duties and responsibilities. RTOC shall ensure the following material, in current form, is available:

1. 14 C.F.R. Parts 43, 61, 91, and 107
2. UAV equipment manuals, owner's manuals, and flight handbooks for each type of UAV to be used.
3. The applicable waivers granted to the OCSD from the FAA.

308.5.2 UAV OPERATOR'S MANUAL AND FARS

All limitations and regulatory information with respect to the specific UAV and Federal Aviation Regulations (FARs) pertaining to the use of UAVs shall be strictly followed.

308.5.3 CODE OF FEDERAL REGULATION LIBRARY

The RTOC shall maintain a current library of UAV manuals, policy and procedures manuals, notices, and applicable FARs.

308.6 UAV PROCUREMENT

The Technology Management Program was adopted to create a uniform process for identifying, reviewing, vetting, planning, and approving technology for the Department. Prior to the purchase of a UAV, a request shall be submitted to the Department Technology Panel for review and approval.

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Upon the approval of the Technology Panel and Executive Command, a unit may operate their own UAV.

1. A unit seeking to purchase and operate a UAV may consult with the RTOC prior to submitting a request to determine if their operational needs could be satisfied by the RTOC.

308.7 UAV DEPLOYMENT

308.7.1 UNMANNED AIRCRAFT SYSTEMS INSURANCE APPLICATION

The RPIC shall ensure both the RPIC and UAV are insured. All County Aviation Insurance for all UAVs is coordinated through the UAV Chief Pilot and CEO Risk Management.

308.7.2 MISSION APPROVAL

Prior to deployment, the RPIC shall ensure the UAV mission has been approved in accordance with Policy 308.5.

308.7.3 PRE-FLIGHT INSPECTION

The RPIC shall check the UAV to determine whether it is in a condition for safe operation. The check could include a systems check via the UAV's launch station. If the UAV is found to not be in flight worthy condition, the reason shall be documented in the UAV Maintenance Record and the UAV shall be taken out of service until the discrepancy can be remedied. The RPIC shall notify the UAV Chief Pilot immediately if a UAV is taken out of service.

The preflight inspection shall include, but not be limited to, general overview of the UAV and supporting electronic equipment, battery condition and life, motors, mounts and propellers, cameras, and data cards.

308.7.4 MISSION BRIEF

Due to the nature of most UAV missions, the actual flight time shall be somewhat short. It is critical the crew utilizes good Crew Resource Management (CRM) to maximize the time on the mission.

Not all OCSD aircraft or missions can utilize a proprietary software to maintain the flight log data. In the event it cannot be utilized, the following procedures shall be used:

1. Prior to, or as soon as practicable after deploying the UAV on a mission, the RPIC and VO shall file the OCSD Mission Brief by completing the form via the Field Based Reporting (FBR) system . The RTOC shall maintain the mission briefs for audits and inspections of the UAV program.
2. After the mission has been completed, the crew shall conduct an After Action Report (AAR) to identify areas where they performed well and areas they can improve upon. The crew shall then file the AAR by completing the online form via the FBR system. The AARs shall be retained in accordance with Department's Records Retention and Disposition Schedule.

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308.7.5 WAIVER REVIEW

1. If required, the RPIC shall ensure a waiver has been filed, and approved by the FAA prior to conducting the mission.
2. If an emergency waiver is needed, the RPIC shall notify the FAA via telephone and gain appropriate written approval prior to conducting the mission. The written approval shall be forwarded to the UAV Chief Pilot at the earliest opportunity.
3. A copy of the FAA waiver must be accessible and available to the RPIC during UAV operations that are the subject of the waiver. A digital copy is acceptable.
4. The RPIC shall obey all terms stated in the applicable waiver(s) set forth by the FAA.

308.7.6 REMOTE PILOT IN COMMAND / VISUAL OBSERVER

1. The RPIC shall be responsible for ensuring the UAV flight is conducted safely and efficiently.
2. The RPIC shall ensure the UAV and all mission equipment are ready and operational for the mission to be conducted.
3. With vision that is unaided by any device other than corrective lenses, the RPIC must be able to see the unmanned aircraft throughout the entire flight in order to:
   a. Know the unmanned aircraft's location;
   b. Determine the unmanned aircraft's attitude, altitude, and direction of flight;
   c. Observe the airspace for other air traffic or hazards; and
   d. Determine that the unmanned aircraft does not endanger the life or property of another.
4. The Visual Observer (VO) shall be used as an aid to the RPIC, during all aspects of the mission, except in the following circumstances:
   (a) As otherwise waived by the FAA.
   (b) Exigent circumstances, to protect life or property, or to aid in a felony arrest under daytime conditions only. However, as soon as possible, a VO shall be used after the start of such missions. Additionally, prior to the first flight, the unit supervisor shall approve all missions when a VO is not being utilized.
5. The VO shall make sure the information is relayed to the RPIC with regards to collision avoidance with other objects and dangerous conditions.
6.

308.7.7 RECORDING / DATA

1. The primary purpose of UAV recordings is to document and preserve video for law enforcement related purposes. The UAV recordings should be used to enhance criminal prosecutions, improve officer and community safety, limit civil liabilities, provide a visual record of significant events, and contribute to future law enforcement training.

   RPICs must activate the UAV's video recording device when they believe the footage has evidentiary value or would be useful for another law enforcement purpose.

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At a minimum, UAV recording shall begin once the footage begins to capture OCSD personnel participating in a call for service or other enforcement action. If UAV missions are recorded, recordings are to be uploaded to the Digital Evidence Management System (D.E.M.S.), a secure cloud-based storage system designated for evidence, or as a training tool. Note: UAV recordings are subject to production in response to a California Public Records Act (PRA) request, but may be withheld if part of an investigation into a crime or potential crime or subject to another exemption. (See Gov. Code, § 7923.600.)

2. The RPIC assigned to each flight shall be responsible for uploading onto D.E.M.S. after their mission. All recordings shall be booked pursuant to Policy 802. Recordings made by OCSD Members shall be kept on D.E.M.S. for the applicable retention period.
3. Recordings relevant to a pending criminal prosecution or pending civil claim or lawsuit will not be used as a training tool until the prosecution, claim, or lawsuit is resolved.
4. Subpoenas, PRA requests, and requests for discovery shall be directed to the Records Division.
5. Data shall be retained in accordance with the OCSD Retention Schedule.

REVIEW OF RECORDINGS

It is the policy of the Department to extend to its members the ability to review all available Department Media when writing reports, preparing for courtroom testimony and prior to making voluntary statements. Please refer to Policy 303 - Department Media for additional information regarding Department recordings.

308.7.8 POST FLIGHT INSPECTION

The RPIC shall inspect the UAV following the completion of each to ensure there is no damage to the UAV and the equipment has been properly shut down and stored away.

308.7.9 UAV ACCIDENT

If an accident occurs during the operation of the UAV and results in serious injury to any person, any loss of consciousness, or if it causes damage to any property (other than UAV) in excess of $500.00 to repair or replace the property, the Flight Standards District Office shall be notified within ten days of mission completion per FAA guidelines. Notification shall be immediately made to the UAV Chief Pilot for investigation of any accident. Damage to a Department UAV shall be documented on a Damage to County Property form and attached to the AAR. The UAV Chief Pilot will forward the report to OCSD Risk Management via FBR.

308.8 UAV MAINTENANCE

308.8.1 MAINTENANCE PROCEDURES

1. Maintenance on Department UAVs is to be performed in house, by UAV maintenance personnel designated by the RTOC.
2. If maintenance cannot be performed in house, it is to be sent to the Original Equipment Manufacturer (OEM) or an approved service center.

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3. All UAV maintenance is to comply with manufacturer specifications, FAA Advisory Circular 43, and best practices set forth by the FAA.

308.8.2 MAINTENANCE DOCUMENTATION

1. UAV maintenance documentation shall be tracked with the UAV Maintenance Record. The UAV Maintenance Record shall keep records on flights, maintenance cycles, and the status of repair parts. .

308.8.3 BATTERY CARE / INSPECTION

1. Batteries are to be inspected before each flight, and at the end of each flight, with the exception of DFR missions when a VO and the UAV pilot are not at the physical location of the UAV. With DFR missions, the RPIC will verify the battery's health utilizing the UAV's software to ensure it is safe for operation.
2. If a battery is found to have bulging or excessive heat it is to be placed in a fire proof container until it can be disposed of properly.
3. Batteries are to be inventoried and inspected by UAV RPICs once a month, and if a battery is found to have lost charging ability, is damaged, or presents a fire danger, it is to be removed from service and placed into a fire proof container until it can be disposed of properly.

308.8.4 MAINTENANCE DISCREPANCIES

1. When a maintenance discrepancy is discovered, it is the responsibility of the RPIC to ensure that discrepancy is noted on flight log and the UAV Chief Pilot shall be notified.
2. Once a discrepancy has been noted in the UAV log book, the RPIC will also need to log it into the digital UAV Maintenance Log located on the Sheriff's Network.
3. If the discrepancy will affect the safety of flight, the UAV is to be grounded until the maintenance discrepancy can be remedied.
4. If the discrepancy does not affect safety of flight and can be deferred, the UAV Chief Pilot shall be notified.
5. If a UAV is grounded and not considered safe for flight (Red X), a red tag shall be attached to the UAV controller with the date which it was grounded, noting the mechanical problem with the signature of the person who grounded the UAV.
6. Maintenance records shall be maintained by the RTOC in accordance with Department's Records Retention and Disposition Schedule.

308.9 ONGOING POLICY MANAGEMENT

The Department shall continue to engage in meaningful review of UAVs and our policy as technology and UAV regulations advance.

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Conducted Energy Device (CED) - Taser 10

309.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the Conducted Energy Device (CED) is a less lethal device intended to temporarily incapacitate a violent or potentially violent subjects while substantially reducing the likelihood of serious injury or death. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to both Members and subjects.

******Policy 309 applies to Members carrying the Taser 10 CED. For Members carrying the Taser X26 CED, please refer to Policy 312 ******

309.2 AUTHORIZED CONDUCTED ENERGY DEVICE (CED)

Taser 10 is manufactured by Axon Enterprises, Inc.

309.3 POLICY

1. Members who have completed Department approved training may be issued a CED in accordance with their assignment. In most locations, CED's will be assigned to individual Members for the duration of their assignment within the division, with only the batteries checked in and out at the beginning and end of shift.
    - In assignments where individual device assignment is not feasible, CED's will be issued and returned at the beginning and end of each shift.
    - Members assigned a CED must return the device to the Department's inventory when leaving a particular assignment with the approval of their Division Commander.
2. Members shall only use the CED, battery, magazine, and cartridges that have been issued by the Department. The device should be carried as a part of a uniformed Member's equipment in aDepartment-approved holster. The addendum of approved holsters is maintained by the Training Division Commander. Non-uniformed Members may carry the CED in an approved holster or the device may be stored in the Member's county vehicle during their work shift in accordance with OCSD Policy 380.11.1.
3. When the CED is carried as part of a uniformed Member's equipment, it shall be carried in a Department approved holster. When carried on a Member's duty belt, drop leg holster, or external carrier, the CED shall be carried on the side of the body opposite the Member's duty weapon.
4. Members shall verify the expiration date of each cartridge prior to the start of their shift. Expired cartridges should be taken out of service, returned to the equipment room, and replaced immediately.
5. Members shall be responsible for ensuring that their issued CED is properly functioning prior to starting their shift. Member should ensure LED side lights are Blue prior to completing a function test, and Yellow before placing the CED in-service.
6. The CED's data shall be uploaded after any Use of Force (UOF) incident involving a CED by the end of the Member's shift (See Policy 309.5.2) unless otherwise approved by a supervisor. Supervisors granting an extension must document the reason for the

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approval, the time period of the extension, and communicate this approval in writing to their Captain. Any extension granted may not exceed four working days for the Member. Additionally, the CED's data shall be uploaded a minimum of every 30 days, or when the battery capacity reaches 20% or less, or after a deployment.

7. Members are highly discouraged from holding a CED and a firearm at the same time due to the risk of unintentionally applying deadly force.

8. Utilization of a CED in any manner (horseplay or other behavior) not authorized by this policy or the Department Policy Manual (Lexipol) is strictly prohibited.

309.4 VERBAL AND VISUAL WARNINGS

1. Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal warning of the intended use of the CED shall precede the application of the device in order to:

   (a) Provide the individual with a reasonable opportunity to voluntarily comply.

   (b) Provide other Members and individuals with warning that a CED may be deployed.

2. If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with a Member's lawful orders and it appears both reasonable and practical under the circumstances, the Member may, but is not required to, activate the CED's audible tone, bright pulsing light, and/or the aiming laser in a further attempt to gain compliance prior to the application of the CED. The aiming laser should never be intentionally directed into the eyes of another person as it may permanently impair his or her vision.

309.5 USE OF THE CONDUCTED ENERGY DEVICE

As with any law enforcement equipment, the CED has limitations and restrictions requiring consideration before its use. Members should be aware that effectiveness is not guaranteed. Members should be prepared with other options in the unlikely event of such a failure. The CED should only be used when its operator can safely approach the subject within the operational range of the device.

1. Authorized Members may use the CED to subdue or control a subject who poses an immediate threat to the safety of the Member (or others), when the Member has an objective reason to believe that less intrusive tactics are unlikely to be effective. "Immediate threat" should be understood to mean the following:

   (a) A violent or physically aggressive subject, or

   (b) A likelihood of violent or physical aggression, as indicated beyond mere agitation or non-compliance.

2. Individuals suspected of being under the influence of drugs/alcohol or exhibiting nudity, profuse sweating, extreme strength, extreme agitation, and irrational behavior may be more susceptible to collateral problems and should be closely monitored following the application of the CED until they can be examined by medical personnel.

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3. Due caution should be considered when utilizing the CED on persons in the following classes:
    (a) Juveniles.
    (b) Women who appear or claim to be pregnant. For inmates known to be pregnant, refer to Policy 309.5(4).
    (c) Persons who are visibly frail.
    (d) Individuals who have a preexisting medical condition that increases danger, and of which deputies become aware.
    (e) The elderly.
4. In Custody and Court Operations, inmates known to be pregnant shall not be tased, pepper sprayed or exposed to other chemical weapons (Penal Code § 4023.8(h)). Correctional Health Services shall evaluate inmates for pregnancy upon intake and follow-up as needed. Inmates medically confirmed to be pregnant will be issued pink pants and are required to wear them while in custody. Deputies may rely on the inmate's clothing to determine whether an inmate is pregnant.
5. The CED is prohibited from being used:
    (a) To torture, psychologically torment, or inflict undue pain on any individual.
    (b) In a punitive or coercive manner.
    (c) On a handcuffed/secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
    (d) In any environment where the Member knows that a potentially flammable, volatile, or explosive material is present (including, but not limited to, OC spray with volatile propellant, gasoline, natural gas, or propane).
    (e) Any environment where the subject's fall could reasonably result in death (such as in a swimming pool or on an elevated structure).
    (f) On any individual when a canine has engaged, except at the canine handler's direction.
    (g) Any persons who are nonviolently participating in a public protest or passively resisting in a way that does not pose an immediate threat to the safety of the officer or others.
    (h) To arouse an unconscious, intoxicated, or impaired individual.
    (i) When the subject is no longer an immediate threat, the use of the CED shall be discontinued.

309.5.1 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, Members 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

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outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

309.5.2 MULTIPLE APPLICATIONS OF THE DEVICE

Members should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED against a single individual should be avoided unless the Member reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

1. If, after the initial cycle of the CED, the Member is still unable to gain compliance and circumstances allow, the Member shall:
    (a) Determine if other options or tactics may be more appropriate; or
    (b) Consider whether or not the probes are making proper contact; or
    (c) Determine if the use of the CED is limiting the ability of the individual to comply.
2. Multiple uses of the CED may be reasonably necessary, but the use of the CED shall be discontinued once the subject does not pose an immediate threat:
    (a) The Member should reassess the subject after each CED cycle to determine compliance or the presence of any possible medical issues.
3. Simultaneous applications of CEDs should be limited to high risk or exigent circumstances.
4. The first probe fired from a CED does not send conductive energy to the subject. The second probe should be deployed as quickly and as accurately as possible to achieve neuromuscular incapacitation (NMI). Additional probes may be deployed until the subject complies or is no longer an immediate threat. If multiple CED probes are deployed, the CED will automatically select the optimal probes to achieve NMI.

309.5.3 REPORT OF USE AND DOCUMENTATION

1. Members shall notify their supervisor as soon as reasonably possible following the application of a use of force.
2. After a Use of Force (UOF) incident involving a CED, the member shall:
    - Remove the CED battery (which stores the data) from service prior to the completion of their shift.
    - Label (i.e. red tag) the battery to avoid it from being placed back into service.
    - Dock the battery to upload the CED data into the Digital Evidence Management System (D.E.M.S.).
    - Ensure that the upload was successful in the D.E.M.S. before removing label and returning the CED battery to service.
    - Attach the CED usage report to the respective report within FBR per Policy section 802.2.1 – Digital Evidence Booking procedure.

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3. All CED discharges shall be reported and documented pursuant to the guidelines articulated in the Policy 300 Use of Force.
4. Additionally, all CED discharges shall be documented in the related incident and/or crime report. Members reporting a CED discharge shall document in writing the facts and circumstances surrounding the incident that led the Member to decide to use a CED. Members should carefully and thoroughly articulate the observations made that caused them to deploy a CED. The related reports shall include whether a verbal and/or other warning was given prior to deploying a CED, if the built in warning alert was activated, or if no warnings were given, the report shall include the reason(s) it was not given.
5. If the subject is booked into the Orange County Jail system, a notation of CED deployment shall be made in the "Statement of Booking Officer" of the Intake Screening and Triage form for review by CMS.
6. Any unexpected discharge of a CED probe shall be documented in a memo directed to the Member's Commander detailing what occurred. The memo shall be maintained by the respective Bureau pursuant to the Department's retention policy.
7. Although the first probe does not send conductive energy to the subject, it is considered a deployment. A minimum of two (2) individually fired probes are required to make a connection to achieve NMI. The initial single probe deployment and additional probe deployments to the same subject count as a single deployment.

309.5.4 COLLECTING PROBES AS EVIDENCE

After all CED discharges, the probes and all attached wire shall be collected and carefully placed in a biohazard container. Care should be taken to maintain the integrity of the knots attaching the probes. All items collected shall be placed into Sheriff's property as evidence. This shall be notated on any subsequent reports. Probes and wires used as part of the initial Departmental CED certification training and subsequent recertification training or unexpected discharges are exempt unless injury results.

309.5.5 DANGEROUS ANIMALS

The CED may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternate methods are not reasonably available or would likely be ineffective.

309.6 MEDICAL TREATMENT

1. Any person who has been subjected to the electrical discharge of a CED, and/or struck by CED probes, who does not exhibit injury and/or does not appear to be in any kind of adverse medical distress, may be transported to the jail and shall be medically evaluated by Correctional Medical Services prior to booking.
2. Any individual exhibiting signs of distress after the application of a CED shall be medically evaluated as soon as practicable by either paramedics at the scene or taken to a hospital for examination. Signs of distress may include shortness of breath, chest pain, and/or dizziness.

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3. The following situations require mandatory medical evaluation as soon as practicable by either paramedics at the scene or by medical personnel at a hospital:
    (a) Persons struck in a sensitive area, e.g., eyes, hands, head, genitals, female breasts.
    (b) Where a Member cannot safely remove probes in accordance with training.
    (c) Persons who fall into one of the vulnerable classes such as juveniles, pregnant women, persons who are visibly frail, persons who Members become aware have a preexisting medical condition that increases danger, and the elderly.
    (d) Individuals who are exhibiting nudity, profuse sweating, extreme strength, extreme agitation, violent or irrational behavior, or are imperviousness to pain, or require a protracted physical encounter with multiple Deputies to bring them under control. These individuals may be more susceptible to collateral medical problems and should be closely monitored following the application of the CED until they can be examined by paramedics and/or taken to a hospital for an examination.
4. If the subject is an inmate at one of the five Orange County Sheriff's jail facilities at the time of a CED application, the Supervisor on scene shall arrange for CMS medical care as soon as possible. If CMS personnel are not available at the facility, the IRC medical staff shall be immediately notified and appropriate treatment shall be arranged.
5. Any individual who refuses medical attention shall have his or her refusal fully documented in related reports and if possible be witnessed by another Department Member and/or medical personnel. If medical staff is willing to provide a copy of the subject's medical refusal, this document should be collected and included with the report package. If possible, an audio recording of the refusal should also be made and a notation in the report indicating the subject's refusal was recorded and either booked as evidence or stored on the Department's digital video server system.
6. Persons subjected to numerous or prolonged applications of the CED.

309.7 SUPERVISOR RESPONSIBILITIES

Following a use of force, the supervisor shall verify the CED data reportwas uploaded into D.E.M.S. by the involved Member by the end of shift per Policy 802.1.5 – Digital Evidence Booking Procedure. A copy of theuploaded CED data shall be attached to the use of force analysis in CRM.

Refer to Policy 300.9 Use of Force – Supervisor Responsibility.

309.8 TRAINING

Any certification or re-certification in the use of the CED shall be under the direct control and supervision of the Training Division staff. In addition to the initial Department approved training required to carry and use a CED, Members shall be re-certified during each two-year Perishable Skills training cycle, by a Training Division approved CED instructor. A reassessment of a Member's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Division Commander.

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309.9 STORAGE

All CEDs not carried by Members shall be secured in a equipment room, storage room, storage cabinet, or locked in a locker/security box. The CED shall be stored in the same manner as a firearm. For storage of firearms, see OCSD Policy 380.11.

309.10 INVENTORY

All CEDs from each Command shall be inventoried no less than once every 180 days by the Training Sergeant or his/her designee. All CEDs shall be accounted for and logged. The required download shall serve as inventory and accountability for each device. The records shall be kept on file for two (2) years.

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Shooting Incidents

310.1 PURPOSE AND SCOPE

The intent of this policy is to establish procedures and protocols for the investigations of Shooting Incidents to ensure such incidents are investigated thoroughly, in a fair and impartial manner, and consistent with other administrative reviews (Use of Force 300, Critical Incident Reviews 301, Internal Affairs investigations 1020 & 1026).

310.1.1 DEFINITIONS

Officer-Involved Shooting (OIS): An incident in which a Deputy Sheriff, Sheriff's Special Officer, and/or Deputy Coroner discharges a firearm at another person while exercising peace officer authority. OIS incidents include Hit and Non-Hit Shootings.

1. **Hit Shooting:**Member intentionally or unintentionally shoots and a person is struck.
2. **Non-Hit Shooting:**Member intentionally shoots at a person and no one is struck.

OIS incidents require a review protocol that considers both criminal culpability and administrative issues (policy violation, training, etc.).

Firearms Discharge: An incident in which a Deputy Sheriff, Sheriff's Special Officer, and/or Deputy Coroner discharges their firearm without the intent to shoot at a person and no one is struck. Firearms Discharge Incidents include:

1. **Warning Shot:**Member intentionally shoots as a warning without intent to strike a person and no one is struck.
2. **Animal Shooting:**Member intentionally shoots at an animal, whether the animal is struck or not.
3. **Unintentional Discharge:** Member unintentionally shoots and no one is struck.
4. **Shooting (Other):**Member intentionally shoots at an object, other than range qualification or a training exercise.

Administrative Response Team (ART): All Officer-Involved Shootings, as well as any unintentional firearm discharges resulting in injury, shall require an administrative review in accordance with Policy 302 – Administrative Response Team (ART).

310.2 INVESTIGATION RESPONSIBILITY

The Department conforms to the parameters set forth in the Orange County Chiefs of Police and Sheriff's Association Operational & Procedural Protocol Number 105 (Establish Protocol for Officer-Involved Shootings)and as detailed in Section 310.3 - Notification to Department of Justice.

The Office of the District Attorney shall serve as the Uninvolved Agency and investigate all OIS Hit Shootings by a Member(s) within the County of Orange and shall determine if there is criminal culpability on the part of the Member(s), except in those OIS where the California Department of Justice (DOJ) assumes responsibility pursuant to Government Code § 12525.3, for incidents involving the death of an unarmed civilian, as detailed in section 310.3.

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The Office of the District Attorney shall review all OIS Non-Hit Shooting investigations by a Member(s) and shall determine if there is criminal culpability on the part of the Member(s)

All death or life-threatening injury notification will be made pursuant to Policy section 300.7.2-Death or Life Threatening Injury Notification Protocol.

In the event an OIS occurs outside Orange County, the agency in whose jurisdiction the incident occurred shall assume primary investigative responsibility. If geographically practical, the Criminal Investigations Bureau shall respond and conduct a parallel investigation and the ART Team shall also respond.

The Department shall conduct an administrative review of all OIS and Firearms Discharge incidents. This process shall include some or all of the following components:

1. An Administrative Review of an incident shall be completed by the ART in compliance with Policy 301 and 302.
2. The Supervisory Use of Force Analysis that is normally required per Policy 300 shall be superseded for OIS incidents by an Internal Affairs (I/A) investigation. Final determinations about whether the force was "in policy" shall occur as part of the I/A review.
3. All OIS (Hit and Non-Hit Shootings) shall be the subject of a Critical Incident Review (CIR) per Policy 301.
4. An administrative investigation shall be conducted into all OIS incidents (Hit and Non-Hit Shootings) per policy 301.
5. All Firearms Discharge incidents shall be administratively reviewed by the involved Member's Commander and may be forwarded for further action and/or investigation if the circumstances warrant.

310.3 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 Office of the District Attorney (OCDA) is responsible for notifying 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).

310.4 DUTIES AND RESPONSIBILITIES OF SCENE PERSONNEL

310.4.1 DEPARTMENT COMMANDER

Upon learning of an OIS, Hit and Non-Hit Shootings, the Department Commander shall be responsible for the coordinating of resources and making the appropriate notifications.

310.4.2 NOTIFICATIONS

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

1. Sheriff

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2. Undersheriff
3. Assistant Sheriff (Command having jurisdiction over the incident)
4. Assistant Sheriff (Investigations & Special Operations Command)
5. Investigations Division Commander
6. Criminal Investigations Bureau (CIB) Captain
7. District Attorney's OIS "Roll-out Team" (by CIB Team)
8. ***Homicide Unit Sergeant (first notification)***
9. SAFE-Internal Affairs Captain (ART Team)
10. Constitutional Policing Advisor
11. Peer Support Team
12. Counseling Team International (909-884-0133)
13. Association of Orange County Deputy Sheriffs (AOCDS)
14. Orange County Employees Association (OCEA) if Member is an SSO.

All outside inquiries about the incident shall be directed to the Public Affairs & Community Engagement Division.

The Department Commander shall make notification to the involved Member's chain of command of all Firearms Discharge incidents and Officer Involved Shootings.

310.4.3 CRIMINAL INVESTIGATIONS BUREAU (CIB CAPTAIN AND/OR HOMICIDE SERGEANT)

The Criminal Investigations Bureau (CIB) shall primarily be responsible for managing the scene and coordinating efforts with the Incident Commander. CIB shall notify the District Attorney's OIS "Roll-out Team" and arrange for the services of the Coroner (if necessary) and Crime Lab personnel.

CIB shall evaluate the circumstances and coordinate activities that will ensue (i.e. obtaining any search warrants, conducting interviews, follow-up investigative work to apprehend outstanding suspects, etc.).

CIB shall conduct a parallel investigation with the District Attorney's Office on all OIS incidents and may be responsible for investigating any underlying criminal acts by non-Members (suspects).

INCIDENT COMMANDER

The Incident Commander shall assume oversight of OIS incidents upon arrival at the scene. The Incident Commander shall have broad responsibility for management of the following areas:

1. Integrity of the shooting scene, security and crime scene perimeter, and associated locations.
2. Management of on-scene and responding resources.

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3. Receipt of informational updates and regular communication with the Department Commander and Public Affairs (media relations) personnel.
4. Compliance of on-scene personnel with applicable policies, laws, and Peace Officer Procedural Bill of Rights protocols.
5. The identities of Member(s) involved in an OIS may only be released to the media pursuant to the consent of the involved Member(s) or upon formal request filed and processed in accordance with the Public Records Act and Policy 340.4 as applicable.

310.4.4 INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an OIS, the first responding supervisor (not involved in the shooting) should:

1. Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
2. Immediately obtain a Public Safety Statement (PSS) from each Member who discharged their weapon. The statement should be captured on BWC. See the PPS section below for further details.
3. Based on statement(s) provided and crime scene, if there is a need for a public safety protective sweep for injured parties, it should be conducted as soon as possible and documented over the radio, in reports, and/or CAD notes. During the protective sweep, a search for damaged property, as a result of the incident, should also be documented.
4. To protect a Member's Rights to due process (Gvt. Code 3100), the supervisor should not compel or request an involved Member to provide any statement or information beyond the limited PSS.
5. Attempt to obtain a brief overview of the situation from any non-shooter Members(s).

Public Safety Statement information:

An assigned supervisor shall administratively order any Member from this Department to immediately provide public safety information necessary to secure the scene and pursue suspects. Public safety information shall be limited to such things as outstanding suspect information, involved and outstanding weapons, number and direction of shots fired, parameters of the incident scene, identity of known witnesses, and similar information.

Public Safety Statement Example ("Available on the Department Intranet as Public Safety Statement"):

The assigned supervisor requiring the public safety information in the form of a Public Safety Statement (PSS) may state something along the following to the shooter deputy or other involved personnel:

"Deputy/SSO, I am ordering you to provide me with critical information to assist me in providing for the safety and welfare of the public and fellow law enforcement personnel. This information will be used to pursue and capture any outstanding suspect(s), locate and provide medical care to anyone injured, and otherwise assist the law enforcement response to this incident."

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Some relevant questions in this regard could include:

1. Were you involved in the officer -involved shooting?
2. Approximately how many rounds did you fire? If so, what direction?
3. Do you know if any other deputies fired rounds?
4. Did the suspect fire any rounds? If so, from what direction?
5. Was anyone injured? Where are they?
6. Are you aware of any witnesses? If so, where are they?
7. Approximately where were you when you fired the rounds?
8. Are there any outstanding suspects? (Description, Direction, Mode of Travel)
9. Are there any weapons or evidence that needs to be protected? (Locations)

Due to the need to take immediate action, the shooter Member is not entitled to await representation before answering.

The supervisor should admonish the Member that in order to preserve the integrity of the investigation, the Member is ordered to NOT discuss the incident with ANYONE, including other supervisors, prior to the arrival of assigned criminal Investigators, with the exception of a legal (AOCDS/OCEA) representative.

Supervisors should :

1. Consider number of outstanding suspects, number of witnesses, and deputies to be interviewed and possible area to be canvassed as a means of determining the amount of investigative resources needed.
2. Provide all available information to the Incident Commander, the Department Commander, and Emergency Communications Bureau (ECB). If feasible, sensitive information should be communicated over secure networks.

Supervisors shall take command of and secure the incident scene with additional personnel until relieved by an Investigations supervisor, higher ranking, or other assigned personnel.

The Supervisor or Incident Commander shall consult with the Department Commander to determine the appropriate time to deactivate or, if necessary, reactivate Body Worn Camera (BWC) and/or In-Car Video System (ICV). The determination for cessation of recording will be communicated on the primary channel. If parts of the incident remain active, on-scene Supervisors may advise specific Members to deactivate their BWC/ICV based on their involvement. Refer to Policy 447 - Body Worn Camera & In-Car Video System for additional guidance.

As soon as practical, the shooter Member(s) should be removed from the scene and away from media attention and outside influence. The shooter Member(s) should be placed with a supportive peer or supervisor for reassurance and emotional support (Peer Support Team Member if possible). However, they shall not discuss the facts or details of the shooting with the Member. The shooter Member(s) should be transported to the station or designated remote location

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for further direction. If multiple shooter Members are transported, they should be transported separately and placed in separate rooms if feasible.

When a Member's weapon is taken or left at the scene (e.g., evidence), the Member shall be provided with a comparable replacement weapon.

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Juvenile Matters

311.1 PURPOSE AND SCOPE

1. It shall be of the utmost importance that all Member's attitude, demeanor, and speech toward juveniles be civil and respectful, but at the same time firm.
2. It is the responsibility of all Members of the Department to report any matter coming to their attention in which a juvenile is delinquent or the victim of an offense or neglect.
3. In cases involving juveniles, after the proper investigation or the securing of the necessary evidence for prosecution, the investigating deputies shall refer the juveniles to the appropriate authority for the processing and disposition of their cases.
4. Sections 346 and 676 of the Welfare and Institutions Code provide that the public (law enforcement personnel, media, other relatives of the minor, etc.) shall not be admitted to Juvenile Court hearings, unless requested by a parent or guardian and consented to or requested by the minor concerning whom the petition has been filed. The judge or referee may admit those persons (e.g., law enforcement personnel) deemed to have a direct and legitimate interest in the particular case of the work of the court.
5. The Juvenile Court has the exclusive authority to determine to whom juvenile record information may be disclosed and the extent to which the information can be released to third parties. Juvenile records may be obtained by juvenile justice agencies and law enforcement agencies under appropriate circumstances.
6. Juvenile record information includes, but is not limited to, any document or records in any Juvenile Court proceeding; any document relating to any juvenile contacts and arrests even if Juvenile Court proceedings were not instituted; and all other information of an evaluative or diagnostic nature available to any other person or agency in accordance with the administration of juvenile court law.

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Conducted Energy Device (CED) - Taser X26

312.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the Conducted Energy Device (CED) is a control device which provides an "intermediate" or "medium" amount of force and is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to Members and subjects.

******Policy 312 applies to Members carrying the Taser X26 CED. For Members carrying the Taser 10 CED, please refer to Policy 309.******

312.2 AUTHORIZED CONDUCTED ENERGY DEVICE (CED)

Taser X26 is manufactured by Axon Enterprises, Inc.

312.3 POLICY

1. Members who have completed Department approved training may be issued an CED for use at the beginning of their shift or during their current assignment. Members shall be expected to return their issued device to the Department's inventory at the conclusion of their shift, unless the CED is assigned to the individual or when leaving a particular assignment.
2. Members shall only use the CED and cartridges that have been issued by the Department. The device should be carried as a part of a uniformed Member's equipment in an approved holster. Non-uniformed Members may carry the CED in an approved holster or the device may be stored in the driver's compartment of the Member's county vehicle so that it is readily accessible at all times.
3. When the CED is carried as a part of a uniformed Member's equipment, it shall be carried on the side opposite from the duty weapon in a holster or a pouch attached to the Member's external carrier. The holster or pouch shall have a minimum of one level retention.
4. Whenever practical, Members should carry a total of two or more CED cartridges on their person at all times while carrying an CED. Members shall verify the expiration date of each cartridge prior to the start of their shift. Expired cartridges should be taken out of service and replaced immediately.
5. Members shall be responsible for ensuring that their issued CED is properly functioning prior to starting their shift.
6. Each CED's data shall be downloaded and stored on a Department computer network file (\\hosta\taserupload) a minimum of every 180 days.

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7. Members are highly discouraged from holding an CED and a firearm at the same time due to the risk of unintentionally applying deadly force.
8. All Commands shall maintain an CED Log documenting the Member's name, PIN number, CED number and cartridge number(s) issued to the Member for each shift. Each Command shall retain the CED Log for two (2) years.
9. Utilization of an CED in any manner (horseplay or other behavior) not authorized by this policy or the Department Policy Manual (Lexipol) is strictly prohibited.

312.4 VERBAL AND VISUAL WARNINGS

1. Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal warning of the intended use of the CED shall precede the application of the device in order to:
   (a) Provide the individual with a reasonable opportunity to voluntarily comply.
   (b) Provide other Members and individuals with warning that an CED may be deployed.
2. If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with a Member's lawful orders and it appears both reasonable and practical under the circumstances, the Member may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the CED) or the aiming laser in a further attempt to gain compliance prior to the application of the CED. The aiming laser should never be intentionally directed into the eyes of another person as it may permanently impair his or her vision

312.5 USE OF THE CONDUCTED ENERGY DEVICE

As with any law enforcement equipment, the CED has limitations and restrictions requiring consideration before its use. Although the CED rarely fails and is generally effective in subduing most individuals, Members should be aware that effectiveness is not guaranteed. Members should be prepared with other options in the unlikely event of such a failure. The CED should only be used when its operator can safely approach the subject within the operational range of the device.

1. Authorized Members may use the CED to subdue or control a subject who poses an immediate threat to the safety of the Member (or others), when the Member has an objective reason to believe that less intrusive tactics are unlikely to be effective. "Immediate threat" should be understood to mean the following:
   (a) A violent or physically aggressive subject, or
   (b) A likelihood of violent or physical aggression, as indicated beyond mere agitation or non-compliance.
2. Individuals suspected of being under the influence of drugs/alcohol or exhibiting nudity, profuse sweating, extreme strength, extreme agitation, and irrational behavior may be more susceptible to collateral problems and should be closely monitored following the application of the CED until they can be examined by medical personnel.

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3. Due caution should be considered when utilizing the CED on persons in the following classes:
    (a) Juveniles.
    (b) Women who appear or claim to be pregnant. For inmates known to be pregnant, refer to section 309.5(4).
    (c) Persons who are visibly frail.
    (d) Individuals who have a preexisting medical condition that increases danger, and of which deputies become aware.
    (e) The elderly.
4. In Custody and Court Operations, inmates known to be pregnant shall not be tased, pepper sprayed or exposed to other chemical weapons (Penal Code § 4023.8(h)). Correctional Health Services shall evaluate inmates for pregnancy upon intake and follow-up as needed. Inmates medically confirmed to be pregnant will be issued pink pants and are required to wear them while in custody. Deputies may rely on the inmate's clothing to determine whether an inmate is pregnant.
5. Because the application of the CED in the drive-stun mode (i.e., direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and Members should be aware the controlling effects may be limited. For Department Member's safety and the safety of the subject, Drive Stun mode should only be used when there is no alternative to using the CED from a safe distance with the cartridge engaged.
6. The CED is prohibited from being used:
    (a) To torture, psychologically torment, or inflict undue pain on any individual.
    (b) In a punitive or coercive manner.
    (c) On a handcuffed/secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
    (d) In any environment where the Member knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane).
    (e) Any environment where the subject's fall could reasonably result in death (such as in a swimming pool or on an elevated structure).
    (f) On any individual when a canine has engaged, except at the canine handler's direction.
    (g) Any persons who are nonviolently participating in a public protest or passively resisting in a way that does not pose an immediate threat to the safety of the officer or others.
    (h) To arouse an unconscious, intoxicated, or impaired individual.

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312.5.1 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, Members 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.

312.5.2 MULTIPLE APPLICATIONS OF THE DEVICE

Members should apply the CED for only one five second cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED against a single individual should be avoided unless the Member reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

1. If, after a five second cycle of the CED, the Member is still unable to gain compliance and circumstances allow, the Member shall:
    (a) Determine if other options or tactics may be more appropriate; or
    (b) Consider whether or not the probes or darts are making proper contact; or
    (c) Determine if the use of the CED is limiting the ability of the individual to comply.
2. Multiple uses of the CED may be reasonably necessary, but the use of the CED shall be discontinued once the subject does not pose an immediate threat:
    (a) The Member should reassess the subject after each CED five second cycle to determine compliance or the presence of any possible medical issues.
3. Simultaneous applications of CEDs should be limited to high risk or exigent circumstances

312.5.3 REPORT OF USE AND DOCUMENTATION

1. Members shall notify their supervisor as soon as reasonably possible following the application of a use of force.
2. All CED discharges shall be reported and documented pursuant to the guidelines articulated in the Policy 300 Use of Force.
3. Additionally, all CED discharges shall be documented in the related incident and/or crime report. Members reporting an CED discharge shall document in writing the facts and circumstances surrounding the incident that led the Member to decide to use an CED. Members should carefully and thoroughly articulate the observations made that caused them to deploy an CED. The related reports shall include whether a verbal and/or other warning was given prior to deploying an CED, or if no warnings were given, the report shall include the reason(s) it was not given.
4. If the subject is booked into the Orange County Jail system, a notation of CED deployment shall be made in the "Statement of Booking Officer" of the Intake Screening and Triage form for review by CMS.

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5. Any unexpected discharge of an CED cartridge shall be documented in a memo directed to the Member's Commander detailing what occurred. The memo shall be maintained by the respective Bureau pursuant to the Department's retention policy.

312.5.4 COLLECTING DARTS AS EVIDENCE

After all CED discharges, the darts and all attached wire shall be collected and carefully placed in a biohazard container. Care should be taken to maintain the integrity of the knots attaching the darts. All items collected shall be placed into Sheriff's property as evidence. This shall be notated on any subsequent reports. Darts and wires used as part of the initial Departmental CED certification training and subsequent recertification training or unexpected discharges are exempt unless injury results.

312.5.5 DANGEROUS ANIMALS

The CED may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternate methods are not reasonably available or would likely be ineffective.

312.6 MEDICAL TREATMENT

1. Any person who has been subjected to the electrical discharge of an CED (either drive-stun or probe deployment), and/or struck by CED darts, who does not exhibit injury and/or does not appear to be in any kind of adverse medical distress, may be transported to the jail and shall be medically evaluated by Correctional Medical Services prior to booking.
2. Any individual exhibiting signs of distress after the application of an CED shall be medically evaluated as soon as practicable by either paramedics at the scene or taken to a hospital for examination. Signs of distress may include shortness of breath, chest pain, and/or dizziness.
3. The following situations require mandatory medical evaluation as soon as practicable by either paramedics at the scene or by medical personnel at a hospital:
    (a) Persons struck in a sensitive area, e.g., eyes, hands, head, genitals, female breasts.
    (b) Where a Member cannot safely remove darts in accordance with training.
    (c) Persons who fall into one of the vulnerable classes such as juveniles, pregnant women, persons who are visibly frail, persons who Members become aware have a preexisting medical condition that increases danger, and the elderly.
    (d) Individuals who are exhibiting nudity, profuse sweating, extreme strength, extreme agitation, violent or irrational behavior, or are imperviousness to pain, or require a protracted physical encounter with multiple Deputies to bring them under control. These individuals may be more susceptible to collateral medical problems and should be closely monitored following the application of the CED until they can be examined by paramedics and/or taken to a hospital for an examination.

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4. If the subject is an inmate at one of the five Orange County Sheriff's jail facilities at the time of an CED application, the Supervisor on scene shall arrange for CMS medical care as soon as possible. If CMS personnel are not available at the facility, the IRC medical staff shall be immediately notified and appropriate treatment shall be arranged.
5. Any individual who refuses medical attention shall have his or her refusal fully documented in related reports and if possible be witnessed by another Department Member and/or medical personnel. If medical staff is willing to provide a copy of the subject's medical refusal, this document should be collected and included with the report package. If possible, an audio recording of the refusal should also be made and a notation in the report indicating the subject's refusal was recorded and either booked as evidence or stored on the Department's digital video server system.
6. Persons subjected to numerous or prolonged applications of the CED.

312.7 SUPERVISOR RESPONSIBILITIES

Following a use of force, the supervisor shall ensure the CED data is downloaded and booked into evidence by the end of shift. A scanned copy of the downloaded CED data shall be attached to the use of force analysis in CRM.

Refer to Policy 300.9 Use of Force – Supervisor Responsibility.

312.8 TRAINING

Any certification or re-certification in the use of the CED shall be under the direct control and supervision of the Training Division staff. In addition to the initial Department approved training required to carry and use an CED , Members shall be re-certified during each two-year Perishable Skills training cycle, by a Training Division approved CED instructor. A reassessment of a Member's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Division Commander.

312.9 STORAGE

All CEDs not carried by Members shall be secured in a storage room, storage cabinet, or locked in a locker/security box.

312.10 INVENTORY

All CEDs from all Commands shall be inventoried no less than once every 180 days by the Training Sergeant or his/her designee, all CEDs shall be accounted for and logged. The required bi-annual download shall serve as inventory and accountability for each device. The records shall be kept on file for two (2) years.

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Vice Conditions

313.1 PURPOSE AND SCOPE

It shall be the policy of the Department that an arrest shall be made in all instances wherein the deputy has reasonable cause to believe the suspect has committed a violation of any law or ordinance pertaining to vice where there is sufficient evidence to warrant an arrest. If deputies personally observe such violations, they should proceed as in any other observed crime.

If deputies receive information or suspect vice conditions exist, they shall gather all information possible, without becoming obvious to the suspects, and make a full written report of the conditions to their superior. If it appears the matter requires immediate attention, deputies should contact a superior immediately for instructions. In any event, deputies shall write a full and complete report of the findings or investigation.

It shall be the responsibility of every Member who receives information concerning vice conditions to report the same through their superior.

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Vehicle Pursuits

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no deputy or supervisor shall be criticized or sanctioned for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy shall be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputy's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is 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.

314.2 DEPUTY RESPONSIBILITIES

It shall be the policy of this Department that a vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide deputies with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

314.2.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

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The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

1. Seriousness of the known or reasonably suspected crime and its relationship to community safety.
2. The importance of protecting the public, balancing the known or reasonably suspected offense, and the apparent need for immediate capture against the risks to deputies, innocent motorists, and others.
3. Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).
4. The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.
5. Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic, and the speed of the pursuit relative to these factors.
6. Pursuing deputies familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
7. Weather, traffic, and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
8. Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
9. Vehicle speeds.
10. Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, and hostages).
11. Availability of other resources such as helicopter assistance.
12. The deputy's unit is carrying passengers other than sheriff's deputies. Pursuits should not be undertaken with a prisoner in the police vehicle.

314.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed in § 314.2.1 of this policy are expressly included herein and shall apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

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In addition to the factors listed in § 314.2.1 of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

1. Distance between the pursuing deputies and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
2. Pursued vehicle's location is no longer definitely known.
3. Deputy's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
4. Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
5. There are hazards to uninvolved bystanders or motorists.
6. If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
7. Pursuit is terminated by a Field Supervisor or Department Commander.

314.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the deputy and supervisor. Evaluation of vehicle speeds shall 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 shall also consider these factors when determining the reasonableness of the speed of the pursuit:

1. Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
2. Pursuit speeds have exceeded the driving ability of the deputy.
3. Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles. However, the number of units involved shall vary with the circumstances. A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspects.

All other deputies should stay out of the pursuit, but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.3.1 MOTORCYCLE OFFICERS

Motorcycle Officers are generally prohibited from initiating or joining in any pursuit. If a Motorcycle Officer does initiate a pursuit or becomes a secondary unit, a distinctively marked patrol vehicle

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equipped with emergency overhead lighting shall replace a sheriff's motorcycle as primary and/or secondary pursuit unit as soon as practical.

314.3.2 VEHICLES WITH EMERGENCY EQUIPMENT AND NO DISTINCTIVE PATROL MARKINGS

Vehicles equipped with a red light and siren, but do not have the overhead lights and Sheriff markings on the side doors or trunk of the vehicle (i.e. SET unit, DET unit, Investigator unit) are permitted to initiate a pursuit and/or take the role as the secondary unit.

Once a distinctively marked patrol vehicle equipped with emergency overhead lights joins the pursuit, unless practical circumstances indicate otherwise, unmarked units should relinquish their role as primary or secondary units respectively to those marked patrol vehicles.

314.3.3 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit.Deputies in such vehicles may become involved in emergency activities involving life threatening situations.Those deputies should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter.The exemptions provided by Vehicle Code 21055 do not apply to deputies using vehicles without emergency equipment.

314.3.4 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit shall be designated as the primary pursuit unit and shall be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

Notify Emergency Communications Bureau that a vehicle pursuit has been initiated and as soon as practicable. Provide information including but not limited to:

1. Reason for the pursuit.
2. Location and direction of travel.
3. Speed of the fleeing vehicle.
4. Description of the fleeing vehicle and license number, if known.
5. Number of known occupants.
6. The identity or description of the known occupants.
7. Information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the deputy in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary deputy should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

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314.3.5 SECONDARY UNITS RESPONSIBILITIES

The second deputy in the pursuit is responsible for the following:

1. The deputy in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
2. Remain a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.
3. The secondary deputy should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

314.3.6 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

1. Deputies, considering their driving skills and vehicle performance capabilities, shall space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
2. Because intersections can present increased risks, the following tactics should be considered:
    (a) Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the anticipated pursuit in an effort to warn cross traffic.
    (b) Pursuing units should exercise due caution when proceeding through controlled intersections. Deputy(s) shall scan intersections for danger areas as they approach and utilize the roadway position, which allows the best visibility. It is important to look in all directions (left, front, right, left) while clearing the intersection lane by lane and to slow down or stop for safety.
    (c) Any unit, to include those with or without distinctive patrol markings and motors, equipped with an electronic device that controls or manipulates traffic signals (such as systems like Opticom), should not join nor remain in a pursuit for the primary reason of having utilizing the device.
3. As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
    (a) Requesting assistance from an air unit.
    (b) Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
    (c) Requesting other units to observe exits available to the suspects.
4. Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

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5. Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit or supervisor.

314.3.7 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

1. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.
2. Units are not authorized to parallel the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.

Deputies are encouraged to take up strategic positions within their patrol area along or near the anticipated route of the pursuit to assist if the pursuit should terminate nearby. These are "Code Delta" positions.

1. Deputies shall not give their Code Delta locations on the radio.
2. Deputies shall maintain area integrity, which is the strict adherence to assigned patrol areas, by establishing a Code Delta location only within their assigned patrol area.
3. Deputies shall obey all traffic laws while proceeding to a Code Delta location.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

314.3.8 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit shall maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

314.3.9 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide deputies and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground

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units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this Department that available supervisory and management control shall be exercised over all vehicle pursuits involving deputies from this Department.

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor shall be responsible for the following:

1. Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines.
2. Exercising management and control of the pursuit.
3. Refraining from being an active participant in the pursuit unless the Field Supervisor determines his/her participation is necessary under the circumstances. If the Field Supervisor is an active participant in the pursuit, the Field Supervisor shall discontinue as the primary or secondary unit as soon as practical.
4. Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
5. Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
6. Ensuring that aircraft are requested if available.
7. Ensuring that the proper radio channel is being used.
8. Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
9. Controlling and managing Sheriff's Department units when a pursuit enters another jurisdiction.
10. Preparing post-pursuit critique and analysis of the pursuit for training purposes.

314.4.1 DEPARTMENT COMMANDER (ECB) RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Department Commander shall monitor and continually assess the situation to ensure the pursuit is conducted within the guidelines and requirements of this policy. The Department Commander has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

The Department Commander shall review all pertinent reports for content and forward to the appropriate Commander.

314.5 COMMUNICATIONS

If the pursuit is confined within the County limits, radio communications shall be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If

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the pursuit leaves the jurisdiction of this Department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

314.5.1 COMMUNICATION CENTER (ECB) RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Emergency Communications Bureau shall:

1. Coordinate pursuit communications of the involved units and personnel.
2. Notify and coordinate with other involved or affected agencies as practicable.
3. Ensure that a field supervisor is notified of the pursuit.
4. Assign an incident number and log all pursuit activities.
5. Broadcast pursuit updates as well as other pertinent information as necessary.
6. Notify the Department Commander as soon as practicable.

314.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit shall be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary deputy, supervisor, or Department Commander 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.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved shall discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Orange County Sheriff-Coroner Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of deputies at the termination of a pursuit initiated by this Department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance shall mean that they will assume responsibilities for the pursuit. For the same reasons, when a

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pursuit leaves the freeway and a request for assistance is made to this Department, the CHP should relinquish control.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this Department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this Department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this Department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:

1. Ability to maintain the pursuit
2. Circumstances serious enough to continue the pursuit
3. Adequate staffing to continue the pursuit
4. The public's safety within this jurisdiction
5. Safety of the pursuing deputies

As soon as practicable, a supervisor or the Department Commander should review a request for assistance from another agency. The Department Commander or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by deputies of this Department shall terminate at the County limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this Department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports, and any other assistance requested or needed.

314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, blocking, boxing, PIT (Pursuit Intervention Technique), or other procedures.

314.7.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics shall be employed only after approval of a supervisor or Department Commander. In deciding whether to use intervention tactics, deputies/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the deputy at the time of the decision.

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It is imperative that deputies act within the bounds of legality, good judgment, and accepted practices.

314.7.2 DEFINITIONS

Blocking or vehicle intercept: A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in: A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT): A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

Ramming: The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks: A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle.

314.7.3 USE OF FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in Policy 300 – Use of Force.

314.7.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Deputies shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

Pursuit intervention tactics such as: Blocking, Boxing-in, Ramming, and Roadblocks are generally not effective. These tactics shall not be deployed without Supervisor or Department Commander authorization, and then only in accordance with this policy.

1. Blocking or vehicle intercept shall only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by deputies who have received training in such tactics after giving consideration to the following:
    (a) The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
    (b) All other reasonable intervention techniques have failed or reasonably appear ineffective.

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(c) Employing the blocking maneuver does not unreasonably increase the risk to officer safety.

(d) The target vehicle is stopped or traveling at a low speed.

(e) At no time should civilian vehicles be used to deploy this technique.

2. Ramming a fleeing vehicle shall be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

   (a) The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.

   (b) The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.

   (c) If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

3. As with all intervention techniques, pursuing deputies shall obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to deputies, the public, and occupants of the pursued vehicle.

4. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and shall not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies, or other members of the public.

5. Pursuit Intervention Technique (PIT)

   (a) Only deputies trained and certified in the use of the PIT maneuver are authorized to use the technique. Training and certification are conducted and issued only by the Emergency Vehicle Operations Center (EVOC) under the auspices of San Bernardino County Sheriff's Department. This is the only training and certification that will be recognized by the Patrol Operations Command at this time. Properly trained deputies shall assure that his or her PIT maneuver certificate is placed in their respective personnel file, and shall forward a copy of the certificate to Advanced Officer Training (AOT) at the Sandra Hutchens Regional Law Enforcement Training Center.

   (b) The PIT maneuver is authorized when the deputy believes the continued pursuit would place the public in imminent danger or harm, and the danger of continuing

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the pursuit and the danger to the public outweigh the risk of using the PIT maneuver.

(c) The PIT maneuver is authorized only after other reasonable means of apprehension have been considered and exhausted or eliminated.

(d) A deputy must request permission from the Department Commander or Field Supervisor before executing a PIT maneuver.

(e) A deputy should consider and evaluate the following factors prior to using the PIT maneuver:

1. Weather conditions.
2. The volume of vehicular and pedestrian traffic.
3. The location where the PIT maneuver is to be attempted.
4. Road conditions, such as line of sight, hills, curves, road surfaces, obstructions, and parked vehicles.
5. The time of day and lighting conditions.

6. Unauthorized Use of the PIT Maneuver:

(a) The PIT maneuver is not authorized at speeds in excess of 35 mph.

(b) The PIT maneuver is not authorized when the pursued vehicle is a pickup truck or similar type of vehicle with subjects occupying the open bed portion of the vehicle.

(c) The PIT maneuver is not authorized on motorcycles.

(d) The deputy is not trained and certified in the use of the PIT maneuver by the designated EVOC training center.

7. The PIT Maneuver is a reportable use of force that requires documentation per Policy 300.6 of the Use of Force policy.

314.7.5 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties. The use of force policy shall apply under these circumstances.

Unless relieved by a supervisor, the primary deputy should coordinate efforts to apprehend the suspects following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans to contain and capture the suspects.

314.8 REPORTING REQUIREMENTS

The following reports should be completed upon conclusion of all pursuits:

1. The primary deputy should complete appropriate crime/arrest reports.

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2. The Department Commander 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.
3. The Field Supervisor shall complete a Pursuit Report form (CHP 187A) as mandated by Vehicle Code §14602.1. The CHP 187A shall be submitted with the pursuit evaluation (copies to Training Division Commander) to the Department Commander.
4. The field supervisor shall complete a Pursuit Evaluation report, which shall contain the following information:
    (a) Date and time of pursuit
    (b) Starting and termination points
    (c) Length of pursuit
    (d) Radio frequency
    (e) Initial reason for pursuit
    (f) Suspect information and suspect vehicle
    (g) Passenger information
    (h) Primary deputy
    (i) Involved deputies
    (j) How terminated
    (k) Disposition (arrest, citation), including arrestee information if applicable
    (l) Injuries and/or property damage
    (m) Medical treatment
    (n) Name of supervisor at scene
    (o) A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted
5. If the Field Supervisor was a participant in the pursuit, the Department Commander shall identify a non-involved Field Supervisor to respond to complete and submit the aforementioned reports.
6. All reviews and analyses of pursuits shall be reviewed for subject matter of benefit in training personnel for future operations. Post-pursuit analysis shall be conducted by the following:
    (a) Immediate Supervisor
    (b) Department Commander (ECB)
    (c) Commander
    (d) Administration
    (e) Traffic Review Board (if pursuit resulted in a collision)

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(f) Training Command Note: Feedback/follow-up shall be provided pursuant to the Administrative Review.

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn Members of this Department shall participate no less than annually in regular and periodic Department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others (Vehicle Code § 17004.7(d)).

314.8.2 POLICY REVIEW

Each sworn Member of this Department shall certify in writing that they have received, read, and understand this policy initially and upon any amendments.

314.9 APPLICATION OF VEHICLE PURSUIT POLICY

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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Animal Problems

315.1 PURPOSE AND SCOPE

Animal problems will usually be handled by Animal Control; however, deputies should make every effort to assist citizens in resolving animal related problems whenever possible.

315.1.1 BARKING DOGS

Advise the citizen to phone their local Animal Control office.

315.1.2 MOUNTAIN LION SIGHTINGS

Advise dispatch to notify Fish and Game. Consider patrol checking for the animal if the sighting was in a populated area, especially near a school.

315.1.3 INJURED ANIMAL

For specific direction regarding "Injured Animal", refer to policy 300.4 Use of Force Policy.

315.1.4 STOPPING A DANGEROUS ANIMAL

For specific direction regarding "Stopping a Dangerous Animal", refer to policy 300.4 Use of Force Policy.

315.1.5 STRAY ANIMALS

1. Animal Control will respond for dogs if loose or contained.
2. Cats or wild animals must be contained in most cases before animal control will respond.

315.1.6 DEAD ANIMALS

1. Advise dispatch to notify Animal Control.
2. Dead animals causing traffic or other hazard should be moved to a location that will eliminate the hazard until animal control can arrive.

315.1.7 ANIMAL BITES

1. Advise dispatch to notify Animal Control on all animal bites.
2. If a bite occurs in an unincorporated area, advise the victim to call the Animal Control Rabies Desk,. If a bite occurs in a contract city, advise the victim to call Animal Control for that particular city. ECB has a listing of those numbers.

315.1.8 ANIMALS VS. VEHICLE COLLISIONS

1. In an unincorporated area, advise the driver to notify the CHP if a report is requested or required by law.
2. In a contract city, take a traffic collision report if the accident meets the minimum reporting level in the Division where the accident occurred.

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315.2 ANIMALS TAKEN FROM AN ANIMAL CONTROL OFFICER OR ANIMAL SHELTER

1. CPC 102 is the most appropriate code section in most cases: "Every person who willfully injures or destroys, or takes or attempts to take, or assists any person in taking or attempting to take, from the custody of any officer or person, any personal property which such officer or person has in charge under any process of law, is guilty of a misdemeanor."
    (a) In addition to the usual information gathered for a crime report, include:
        1. The date and time that the animal was impounded.
        2. The name of the officer who did the impound.
        3. Reason for impounding the animal and the appropriate penal code, municipal code, or county ordinance authorizing the impound.
        4. Location from which the animal was impounded.
        5. Fees due for the animal.
        6. Witness statements.
        7. Any identifying marks or characteristics of the animal.
        8. Estimated value of the animal.
    (b) A supplemental DR "A" for any local ordinance that prohibits removing an animal from the custody of an animal shelter without permission should be submitted with all CPC 102 reports.
2. Other Code sections apply when the suspect does not own the animal.
    (a) CPC 459 Burglary, 488 Petty Theft, 487 Grand Theft, 487e Grand Theft Dog, or 487f Petty Theft Dog.
    (b) Corpus elements do not apply under these sections when a person takes his own property.

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Response to Calls

316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched by the Emergency Communications Bureau (ECB) or self-initiated in the field.

316.2 RESPONSE TO CALLS

Only Deputies, defined under CPC 830.1, who have successfully completed a State of California Commission on Peace Officer Standards and Training (POST) certified Emergency Vehicle Operations Course (EVOC), along with annual Department mandated pursuit training, may respond "Code-3" to calls for service. 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 shall respond Code-3 when dispatched or when it is determined circumstances reasonably indicate an emergency response is required. All other deputies who have not been dispatched Code-3 or who have not announced they are responding Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

Deputy Coroners, defined under CPC 830.35, who are up to date on their driving perishable skills, may use their vehicle's amber lighting equipment to enhance their safety (e.g., blocking an intersection, driving on shoulder of the road) when arriving on scene.

316.2.1 PRIORITY RESPONSE

ECB Personnel assign a response priority to all calls based on the nature of the call. All calls for service shall be assigned a priority on a scale of 1-4. ECB Personnel should consider the totality of the situation in assigning the priority response. Definitions of priority responses are listed below:

1. Priority 1
    (a) The deputy shall respond Code-3 and proceed immediately, unless the circumstances warrant a different response in the Deputy's judgment or the Deputy is directed otherwise by the Field Supervisor or Department Commander. Priority 1 includes criminal or non-criminal situations where available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. Examples include robberies or residential burglaries in progress, injury traffic accidents, 960X, and 997 calls.
2. Priority 2

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(a) The deputy responds immediately. Priority 2 includes serious crimes that just occurred where no one is in immediate danger or the suspect(s) have left; any incident likely to escalate to a crime against a person; or any incident where a delay in response would likely impede further investigation or cause anyone to be in jeopardy. Examples include robberies or burglaries that just occurred, bomb threats, alarm calls, major disturbances, prowler, deceased persons, suspected hazardous material, or suspected bombs.

3. Priority 3

   (a) The deputy responds immediately. Priority 3 includes most report calls, crimes where the suspects have left or late reported crimes; child or property pickup; non-injury traffic accidents; suspicious persons; or a "drunk" in the area.

4. Priority 4

   (a) The deputy responds as soon as reasonably practical. Priority 4 includes non-emergency incidents where the informant wants no contact, such as parking problems or abandoned vehicles where there is no immediate danger.

316.3 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 immediate 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 ECB.

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

1. The unit number
2. The location
3. The reason for the request and type of emergency
4. The number of units required

316.3.1 NUMBER OF UNITS ASSIGNED

Under normal circumstances, only one unit should respond to an emergency call Code-3. Other area unit(s) may respond Code-3 if they reasonably believe the incident warrants an emergency response. The Field Supervisor or Department Commander shall make the final determination in reference to the Code-3 response of all additional units.

316.4 INITIATING CODE 3 RESPONSE

Any Deputy who believes a Code-3 response to any call is appropriate, shall notify ECB as soon as reasonably possible and provide the location from which he/she is responding from. Notification can be made by radio or MDC.

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316.5 RESPONSIBILITIES OF RESPONDING DEPUTY(S)

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.

Deputy(s) shall scan intersections for danger areas as they approach and utilize the roadway position, which allows the best visibility. It is important to look in all directions (left, front, right, & left) while clearing the intersection lane by lane and to slow down or stop for safety.

The decision to continue a Code-3 response is at the discretion of the deputy. If, in the deputy's judgment, circumstances, including but not limited to, the roadway conditions or traffic congestion do 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 ECB. A deputy shall also discontinue the Code-3 response when directed by a Field Supervisor or Department Commander.

316.6 COMMUNICATIONS RESPONSIBILITIES

ECB personnel 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 call taker/dispatcher shall obtain authorization from the Field Supervisor or Department Commander prior to assigning units Code-3. The dispatcher shall:

1. Attempt to assign the closest available unit to the location requiring assistance.
2. As soon as practical, notify the Field Supervisor or Department Commander
3. Confirm the location from which the unit is responding.
4. Notify and coordinate allied emergency services (e.g., fire and ambulance).
5. Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.
6. Control all radio communications during the emergency and coordinate assistance under the direction of the Field Supervisor or Department Commander.

316.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Field Supervisor or Department Commander shall verify the following:

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

The Field Supervisor shall monitor the response until it has been stabilized or terminated. The Field Supervisor shall maintain and assert control over the response by directing units to and from

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the incident. If, in the Field Supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the Field Supervisor may do so.

It is the Field 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 Field Supervisor or Department Commander should consider the following:

1. The type of call
2. The necessity of a timely response
3. Traffic and roadway conditions
4. The location of the responding units

316.8 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 Field Supervisor Department Commander or ECB of the equipment failure so that another unit may be assigned to the emergency response.

316.9 "HI-LOW" SIREN CONFIGURATION

The Hi-Low audible warning sound may be used to alert specific communities of an immediate need to evacuate. The Hi-Low warning sound is intended to provide the public with audible notice that the area they occupy is in imminent threat or danger, and there exists an urgent need for them to evacuate immediately.

Use of the Hi-Low sound will include activation of emergency lights, and all traffic laws must be obeyed during operation of the Hi-Low siren configuration.

The Hi-Low audible warning sound shall not be used while responding Code-3. If Code-3 response is necessary, Wail-Yelp is the approved Code 3 siren configuration. Indiscriminate use of the "Hi-Low" siren configuration is prohibited and may diminish the public's awareness and compliance with the uniquely identifiable sound and purpose.

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Victim Confidentiality

317.1 PURPOSE AND SCOPE

By law, law enforcement is required to hold information about the victims of many crimes in strict confidence. The purpose of the Victim Confidentiality Policy is to provide a single, comprehensive point of reference for Department Members regarding such crimes and requirements.

317.1.1 CONFIDENTIALITY FOR ADULT AND MINOR VICTIMS

Deputies investigating or receiving a report of an alleged offense requiring victim confidentiality shall inform the victim that his/her name will become a matter of public record, unless the victim requests that their name not be made public.

Whether or not the victim requests confidentiality, the deputy shall complete and submit a Victim Confidentiality Report Form (Inv 43). This form must be attached to all criminal reports relating to victims, or alleged victims, of sex crimes, child abuse, felony domestic violence, civil rights violations, stalking, or other crimes addressed in PC 293 or Section 6254 of the Government Code.

The reporting deputy shall document in his/her report (1) that the victim was properly informed, and (2) any related response made by the victim. If the victim is a minor and has NOT requested confidentiality, any response made by the victim's parent or guardian (Penal Code 293 § (a) and (b)) shall also be included.

Minor victims who request 293 confidentiality have the same protections as an adult. If the minor requests 293 confidentiality, deputies shall not disclose to the victim's parents that the minor is a victim of a sexual assault unless the minor agrees to the disclosure.

Except as required or authorized by law, Members of this Department shall not publicly disclose the address of any victim of a sex crime. Except as required or authorized by law, Members of this Department shall not publicly disclose the name of any adult or minor victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

317.1.2 CRIMES REQUIRING VICTIM CONFIDENTIALITY

As of the latest update of this policy, victim confidentiality is required for any crime defined by the following Penal Code Sections: 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83 of the November 7, 2006, statewide general election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6.

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Canine Program

318.1 PURPOSE AND SCOPE

The Orange County Sheriff's Department's (OCSD) "police service dogs," or “canines,” are utilized to augment Department services to the community. Highly skilled and trained teams of handlers and canines are used to supplement Department operations to locate individuals, articles of evidence, hazardous devices, drugs, various items of contraband, and to apprehend criminal offenders. Canine teams of the following disciplines are deployed by the Department :

1. Patrol Canines (Dual-Purpose)
    (a) Narcotics detection searches
    (b) Evidence/article searches
    (c) Suspect searches
2. Special Investigations Bureau Narcotics Detection Canines
    (a) Criminal interdiction
    (b) Narcotics detection searches
3. Custody Operations Detection Canines
    (a) Narcotics detection searches
    (b) Electronic media/cell phone Detection searches
4. Explosive Detection Canines (EDC)
    (a) Hazardous Device Section (HDS) (Bomb Squad)
    (b) John Wayne Airport Police Services
    (c) Orange County Transit Authority
5. Search and Rescue Canines (Reserve Bureau)
    (a) Tracking/trailing
    (b) Cadaver detection

318.1.1 DEFINITIONS

Apprehension: Using a canine as a means of force, other than the canine’s mere presence to take a suspect into custody (may or may not include a canine bite or other type of physical force used by the canine).

Audible Alert: Barking, or similar signal, given by the canine to indicate that the canine has located either a person or a person’s odor when that person is in close proximity.

Canine Bite: Canine bites are considered when there is a break in the skin, however slight.

Deployment: Any time the canine is used to perform a law enforcement function for which the canine has been specially trained or certified to complete. This does not include training sessions, breaks, demonstrations, or similar activities.

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318.2 GENERAL CANINE GUIDELINES

318.2.1 CANINES IN PUBLIC AREAS

All canines shall be under the direct control of their handlers in areas accessible to the public.

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 dog. The handler shall also ensure that the unattended unit remains inhabitable for the canine.

318.2.2 REQUEST FOR USE OF CANINE

Teams can be requested through the Sheriff's Emergency Communication Bureau (ECB) 24 hours a day. The opportunity for a safe and successful suspect search operation shall be enhanced with a timely request, response, and deployment of a canine team.

Members within the Department are encouraged to solicit the use of the various types of canines. Requests for canine teams from outside of the Patrol Operations Command shall go through the Department Commander.

318.2.3 REQUEST FOR CANINE ASSISTANCE FROM OTHER AGENCIES

The Department Commander or the unit supervisor should approve all requests for canine assistance from outside agencies. Requests for explosive detection canines that are TSA owned shall be coordinated through their respective canine unit supervisor. All other explosive detection canine requests shall be coordinated through the OCSD Special Operations Division Captain. All canine call-outs are subject to the following provisions:

1. Canine teams shall not be used to perform any assignment that is not consistent with this policy.
2. Upon arrival at the scene, the handler has the ultimate decision as to whether or not the canine is to be used for a specific assignment.
3. Canine teams shall not be called out while off-duty or used outside the boundaries of the County of Orange unless authorized by the Department Commander or the unit supervisor.
4. It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

318.2.4 REQUEST FOR PUBLIC DEMONSTRATIONS

All public demonstration requests for a canine team shall be approved by the respective canine unit supervisor prior to making any commitment.

Patrol canine handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the unit supervisor and with a certified agitator who is on-duty at the time of the event.

318.3 REPORTING UNINTENTIONAL BITES AND INJURIES CAUSED BY CANINES

An unintentional bite is defined as: A bite which occurs when the canine was not directed by the handler to apprehend a suspect or the canine bites any person other than the suspect.

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Many factors can contribute to police canine's unintentional bites. These bites may be on citizens, deputies, trained canine agitators, or even canine handlers and may occur at any time. The following procedure shall be complied with during any incident, whether off-duty or on-duty, when a Department canine causes any injury to a person. Canine bites are considered when there is a break in the skin, however slight. In the event of an injury caused by a canine, the canine handler is responsible for the following:

1. Immediately provide necessary medical attention.
2. Notify the appropriate field supervisor and the Department Commander.
3. Notify the appropriate canine unit supervisor and the patrol canine unit supervisor.
4. Obtain a case number and complete the appropriate Department report.
5. Contact Sheriff's I.D. and request they respond to photograph significant injuries as soon as possible. Minor injuries may be photographed by a canine supervisor.

Every unintentional bite shall be reviewed by the patrol canine unit supervisor as well as the Special Operations Division Captain. Depending on the circumstances, unintentional bites may result in the temporary kenneling of the dog and/or additional training at the Sheriff's contracted trainer. Unintentional bites or injuries caused by canines in TSA assignments shall be investigated and reviewed by TSA in addition to the patrol canine unit supervisor.

Canine teams in TSA assignments shall notify the TSA Field Canine Coordinator (FCC) as soon as reasonable about the incident and the FCC shall be provided with all the information related to the incident.

1. The information shall be forwarded to the National Explosives Department Canine Training Program (NEDCTP) by the sergeant supervising the particular TSA canine unit. The NEDCTP Incident Adjudication Review Board shall review all incidents involving TSA canines. Through the NEDCTP Incident Adjudication Review Board findings, if a canine handler is found to be non-compliant in their duties, which results in any canine-induced injury to any party, the handler may be permanently removed from the program.
2. At the discretion of the NEDCTP Incident Adjudication Review Board, if it is determined the TSA Canine will be removed from the program, the NEDCTP shall ensure a new canine is assigned to the unit and shall be responsible for the cost of the new canine.

318.4 DAMAGE TO PROPERTY

In the event a Department canine damages private property, the canine handler shall notify the property owner or a responsible person and do the following:

1. Notify the appropriate field supervisor and the Department Commander.
2. Notify the canine supervisor.
3. Obtain a case number and complete the appropriate Department report.
4. Photograph minor damage and maintain photos in Sheriff’s evidence.

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5. For significant damage, contact Sheriff's I.D., and request they respond to photograph damage as soon as possible.

318.5 USE OF PATROL CANINES

The prompt and proper utilization of a trained patrol canine team has proven to be a valuable resource in law enforcement. When properly used, a patrol canine team greatly increases the degree of safety to all persons (including suspects) within a contained search area, enhances officer safety, significantly increases the likelihood of suspect apprehension, and dramatically reduces the amount of time necessary to conduct a search.

1. A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if the following conditions exist:
   (a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.
   (b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
   (c) The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.
2. It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In such case, a standard of objective reasonableness shall be used to review the decision to use a canine, taking into consideration the totality of the circumstances.
3. Absent a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing deputy(s) shall not serve as good cause for the use of a canine to apprehend the individual.
4. Canine deployment and use of force policies of other departments can be quite different from that of the Orange County Sheriff’s Department. As such, the use of patrol canines from other law enforcement agencies, in support of a Sheriff’s Department operation, should be avoided, except in extreme emergencies which clearly dictate the immediate need for a canine search. When exceptional circumstances dictate the need to utilize a canine team from another agency, the following procedures shall be adhered to:
   (a) The appropriate supervisor on-scene shall first contact the Department Commander and request that an OCSD patrol canine be called out from home, whenever time permits.
   (b) The supervisor authorizing the deployment shall contact a patrol canine unit supervisor and provide the details of the incident as soon as practicable.
   (c) When a canine team from another agency is requested and whenever possible prior to them being deployed, they shall be briefed on the details of the situation. In situations where an outside agency canine is used and a bite occurs, the Department Commander shall notify a patrol canine unit supervisor. Additionally,

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the canine handler from the outside agency shall provide a detailed written report explaining the events.

318.5.1 PREPARATION FOR UTILIZING A PATROL CANINE

Prior to the use of a patrol canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information that is reasonably available at the time. The information should include, but is not limited to the following:

1. The individual's estimated age, physical description, and clothing description.
2. The nature of the suspected offense; what crime the suspect will be booked to once apprehended by the canine.
3. Any potential danger to the public and/or other deputies at the scene if the canine is released.
4. Criminal history and records check of the suspect if time allows and if available.
5. The degree of resistance or threatened resistance, if any, the subject has shown.
6. The potential for escape or flight if the canine is not utilized, including the presence of traditional and non-traditional weapons, risk of ambush to deputies, etc.
7. Contact should be made with the building owner to determine whether there may be tenants, residents, animals, etc. present. Also attempt to obtain a key and a building layout.
8. The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
9. If the suspect is believed to be armed, threatening resistance or violence, or in a barricaded position TSE/SWAT shall be consulted.

The canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.

318.5.2 SUPERVISOR ROLE

The on-scene supervisor should also take the following steps in preparation for the canine search:

1. Ensure there is a secure perimeter.
2. Evacuate all tenants, workers or others from the facility or search area.
3. Ensure no preliminary searches by patrol personnel are conducted within the canine search area.

318.5.3 DEPLOYMENT OF PATROL CANINES FOR SUSPECT SEARCHES

1. Deployment Procedure:
   (a) The use of a canine provides deputies with a tactical advantage when searching for criminal suspects. This advantage is an invaluable tool in the successful detection of criminal suspects and protection of officers, all to the end of assuring the safety of the community. Therefore, a primary function of the deployment

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of a canine is to locate suspects, although depending upon the circumstances, application of the canine for protection and safety purposes may be required.

(b) A canine handler shall have the ultimate authority not to deploy the dog. The handler shall evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision whether to deploy the dog shall remain with the handler; however, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

2. Canine Warning Announcements:

(a) Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth and surrender, shall be made prior to releasing a canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

1. Announcements shall be made in a loud and clear manner.
2. Deputies shall wait sufficient time to ensure that anyone within the search area has ample opportunity to comply with instructions.
3. Deputies should make additional canine announcements as they progress through a search, especially when entering new or separated areas where prior announcements may not have been heard.
4. Deputies on perimeter or containment positions shall advise via radio whether they are able to hear the canine warning announcements from their position.

3. Apprehensions/Canine Bites:

(a) If a canine makes a physical apprehension, the dog must be recalled or otherwise restrained as soon as the suspect is in custody or no longer poses a reasonable threat. Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

(b) Once a suspect is located and/or the canine is recalled, it is the search team deputies' responsibility to take control of the suspect.

(c) Should the suspect attempt to escape, the search team deputies should not give chase and follow the directions of the canine handler.

4. Canine Search Tactics:

(a) Canine teams are not deployed as regular patrol units; however they can easily become involved in many different tactical/patrol situations. In a case where the canine handler is in imminent danger, the canine is trained to protect the canine handler and when necessary, should be used to do so.

(b) Absent a Canine Unit supervisor, during a deployment, the canine handler has primary responsibility for directing the activities of the search team.

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(c) Whenever possible, the deputies handling the original call or incident will assist the search team. This enhances immediate suspect identification, ensures continuity, and increases experience in canine searches over a broader range of patrol deputies. However, based upon the tactical considerations of the incident, search teams may be comprised of Patrol personnel, additional Canine personnel, and/or members of the Tactical Support Element (TSE) - Special Weapons and Tactics (SWAT) detail. A canine unit supervisor or the canine handler shall determine the composition of the search team(s) and direct their activities.

(d) Suspect searches are generally considered pre-planned activities, and as such, all canine unit personnel shall wear appropriate protective body armor while searching.

(e) Prior to initiating the search, the search team deputies shall be briefed by the canine unit supervisor or the handler on the general search pattern and tactical plan.

(f) If there is any indication the suspect is armed and isolated or barricaded, tactical options for requesting TSE/SWAT should be considered.

(g) If the canine gives a positive alert identifying a suspect's location, all members of the search team are to take positions of advantage. The handler shall call the canine back and gain physical control of the animal, if tactically sound and can be done safely. Whenever appropriate the handler shall consider ordering the suspect out from their place of concealment after the canine is recalled and under control. Tactical considerations may preclude recalling of the search dog until the search team members have taken positions of cover. The canine may be used as a tactical tool in appropriate circumstances. Appropriate arrest and control tactics shall then be utilized to apprehend the suspect as safely as possible.

318.6 REPORTING CANINE USE, BITES AND INJURIES TO SUSPECTS

Whenever the canine is deployed, an appropriate Departmental report (Initial Crime Report, Follow-up Report, etc.) and a Canine Use Report shall be completed by the handler and submitted as soon as practical.

1. Whenever the use of the canine results in a bite or any injury to a suspect, a Canine Use Report form, along with any related incident report (Initial Crime Report, Follow-up report, etc.) shall be completed. The patrol canine unit supervisor, or designee, shall be responsible for all Supervisory Use of Force reports that include patrol canine apprehensions.
2. The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in-custody, a deputy shall remain with the suspect until treatment has been rendered.
3. Photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current Department evidence procedures. It shall be the responsibility

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of the unit supervisor to ensure that such photographs are retained until the potential need for use in any related civil proceeding has expired. Contact Sheriff's I.D. and request they respond to photograph injuries as soon as possible.

(a) Photographs of injuries to the suspect shall only be taken by the patrol canine supervisor, their designee, or Sheriff's ID. Field personnel shall not photograph or video record injuries to suspects.

4. If a subject alleges an injury that is not visible, the patrol canine supervisor shall be notified and the location of the alleged injury should be photographed as described above.

5. The patrol canine unit supervisor shall maintain liaison with the local animal control department to ensure that information regarding canine bites is not retained by its office. Canines used by law enforcement agencies are exempt from impoundments and reporting requirements to the local animal control department (Food and Agriculture Code § 31609(b)).

318.7 NON-APPREHENSION USE OF PATROL CANINES

Because canines have senses far superior to those of humans, they may often be effectively utilized to locate articles of evidence, track/search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention), or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

1. Absent a change in circumstances that present an immediate threat to deputies, the canine, or the public, such applications should be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.

2. Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.

3. Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.

318.8 USE OF NARCOTIC DETECTION CANINES

Narcotics detection canines may be assigned to patrol operations, custody operations, and investigations details. A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

1. To assist in the sniff for controlled substances.

(a) To obtain a search warrant by using the detection canine in support of probable cause;

(a) See vehicle exception rules.

(b) To sniff vehicles, buildings, bags, open areas, vessels, aircraft, parcels, and any other articles deemed necessary.

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(c) For cash seizures related to narcotics trafficking activities.

(d) Narcotics detection canines assigned to custody operations may be trained to detect cell phones and electronic media.

(e) A narcotic-detection canine shall not be used to sniff a person for narcotics.

When requesting a narcotics detection canine to assist with locating concealed narcotics, avoid conducting a preliminary search of the area as this may contaminate the area and make it more difficult for the canine.

318.9 EXPLOSIVE DETECTION CANINES (EDC)

Explosive detection canines may be assigned to the Orange County Transit Authority (OCTA), John Wayne Airport (JWA), and the Hazardous Device Section (HDS). An explosive detection canine may be used in accordance with current law and in compliance with the Other Transaction Agreement (OTA) between OCTA, JWA, the Transportation Security Administration (TSA), and OCSD when assigned to a TSA supported assignment.

318.9.1 USE OF EXPLOSIVE DETECTION CANINES (HDS, OCTA, JWA)

1. The following are examples of locations where EDC Teams will deploy on a daily basis when conducting proactive public visibility sweeps:
   (a) Sweep of a mode of mass transportation
   (b) Sweep of a mass transportation facility
   (c) Security sweeps of public and private events
   (d) Other reasons the EDC teams may be deployed to support as requested include:
      1. Hazardous threat
      2. Unattended bag/item
      3. VIP/Dignitary Sweep
      4. Other special events (i.e. a major league sporting event, etc.)
2. EDC Teams shall not be used to search an item that has been deemed suspicious based upon the following:
   (a) Canine handler's assessment of the totality of the circumstances and the presence or appearance of a specific item; or information from any relevant source.
   (b) EDC Teams shall not be utilized to confirm the presence of explosive odors once another detection system has indicated the possible presence of explosive or other hazardous material.
   (c) EDC Teams shall not be utilized to search liquids, loose powders, or known/ unknown hazardous material items.

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(d) EDC Teams shall not be utilized to search in dangerous/unsafe locations where EDC injury is likely (e.g. in and around energized machinery or hazardous material, condemned areas, etc.).

(e) Once an EDC Team has provided a final response, the OCSD Hazardous Device Section shall be notified and an emergency plan shall be initiated.

(f) It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use an EDC in view of the totality of the circumstances.

(g) An EDC is not permitted to be utilized in an odor detection role or a visible deterrent role by anyone other than the EDC's assigned handler.

318.9.2 EXPLOSIVE DETECTION ALERT PROCEDURES FOR HANDLERS IN TSA ASSIGNMENTS

In the event of a final response by a canine and it is safe to do so, the handler will follow the TSA emergency plan. This plan describes the roles and responsibilities of the canine handler and others at an incident.

Once the incident is over, the handler shall take a sample with the NEDCTP swab kit in accordance with the sampling procedures. The handler shall then submit the competed Canine Final Response Form with the swab to TSA.

318.9.3 WARNINGS GIVEN TO ANNOUNCE THE USE OF A EDC

Prior to entering an area that is intended for the sole use by the opposite sex of the handler, an announcement that an OCSD canine and handler will be entering the area shall be made.

318.10 USE OF SEARCH AND RESCUE CANINES

Search and Rescue canine teams are comprised of specially trained deputies and canines assigned to the Reserve Bureau. Bloodhound teams are primarily utilized to track or trail missing persons. Human Remains Detection Canines (Cadaver Dogs) are primarily utilized to assist in locating and recovering human remains.

Bloodhound teams shall not be utilized to conduct suspect searches in OCSD jurisdiction without first consulting with the OCSD patrol canine unit.

318.11 CANINE HANDLER RESPONSIBILITIES

318.11.1 CARE FOR THE CANINE AND EQUIPMENT

The 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, and living conditions. In addition to the below policy, canine handlers in TSA assignments shall adhere to all guidelines outlined in the Other Transaction Agreement (OTA) between Orange County Transportation Authority (OCTA), John Wayne Airport (JWA), the Transportation Security Administration (TSA), and OCSD.

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The handler shall be responsible for the following:

1. Unless required by a particular application, the handler shall not expose the canine to any foreseeable risks outside of standardized canine working conditions.
2. The handler shall maintain all Department equipment under his/her control in a clean and serviceable condition. Any damaged equipment shall be reported to the appropriate canine unit supervisor in a timely manner.
3. Canines shall be transported in vehicles configured to ensure the proper health, safety, and security of the canine to include a stable and secured transport kennel/ crate, except in the event of unforeseen emergency. When in use, the canine transport kennel/crate must be properly ventilated and appropriately protected from the elements.
4. Assigned canine vehicles are to be maintained in good operating order with a clean interior. The handler shall ensure the vehicle is serviced in a timely manner. The handler will report all mechanical issues with the vehicle in a timely manner.
5. In-service canine vehicles shall be equipped with a functioning heat alarm to ensure the safety of the canine. In the event the heat alarm fails while in-service, the handler shall avoid leaving the canine unattended in the vehicle for a lengthy time. The handler shall take additional precautions to prevent the canine from overheating, such as parking under shade, leaving the windows down, etc.
6. When not on duty the canine handler shall maintain a marked, black and white canine vehicle in a garage, secured from public view. Unmarked canine vehicles shall be parked in appropriate off-street parking.
7. When a handler takes a vacation or extended number of days off, it may be necessary to temporarily relocate the canine. The canine shall be boarded at a Departmentally approved boarding facility or location. In those situations, the handler shall give reasonable notice to the unit supervisor so that appropriate arrangements can be made. During this time, the assigned canine vehicle may be maintained at a Sheriff's Department approved facility.
8. With their unit supervisor’s approval, handlers assigned to the search and rescue canine may make arrangements to have another handler care for the assigned canine during vacations or extended periods off.
9. Handlers shall permit the unit supervisor to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine vehicle, to verify that conditions and equipment conform to this policy.
10. Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the unit supervisor within 24 hours.
11. When off-duty, canines shall be maintained in kennels, provided by the county, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.
12. The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct control of the handler.

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13. Under no circumstances shall the canine be lodged at another location unless approved by the unit supervisor or Department Commander.
14. When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the unit supervisor or Department Commander.
15. For handlers in TSA assignments, if through the NEDCTP Incident Adjudication Review Board findings, it is determined that a canine handler fails to adhere to NEDCTP policies, procedures, or instructions which results in the loss of physical accountability or physical abuse of their canine, the handler may be permanently removed from the program.

318.11.2 MEDICAL CARE OF THE CANINE

1. The handler shall ensure routine examinations and emergency care are performed by licensed, board certified veterinary medical professionals for the canine. Routine care includes semi-annual examinations, scheduled immunizations, disease prevention, and weight management programs. Handlers shall administer medication as directed by their veterinarian professional and follow all health related guidance.
2. For canines in TSA assignments, semi-annual examination reports shall be requested for review by the assigned FCC.
3. For canines in TSA assignments, the NEDCTP reserves the right to consult with a Department of Defense (DOD) veterinarian for any proposed medical treatment of an EDC prescribed by the unit's veterinarian.
4. If a canine is found to have any medical/health related issues attributed to a handler's negligence in providing adequate care, the canine may be immediately removed from service. For canines in TSA assignments, the NEDCTP Branch Chief may request that the handler be permanently removed from the Program.
5. All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.11.4.

318.11.3 NON-EMERGENCY MEDICAL CARE

1. Non-emergency medical care, such as vaccines and routine physical exams, shall be coordinated through the unit supervisor.
2. Any indication that a canine is not in good physical condition shall be reported to the unit supervisor or the Department Commander as soon as practical. For canines in TSA assignments, if the condition affects the canine's ability to perform its duties then the handler shall immediately notify the FCC.
3. All original records of medical treatment shall be maintained by the veterinarian. Copies of the records shall be maintained in the canine handler's personnel file as well as the unit supervisor's files.

318.11.4 EMERGENCY MEDICAL CARE

1. The handler shall notify the unit supervisor as soon as practicable when emergency medical care for the canine is required. For canines in TSA assignments, the handler shall notify the FCC as soon as practicable.

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2. Depending on the severity of the injury or illness, the canine shall either be treated by a designated veterinarian or transported to a designated emergency medical facility for treatment.
3. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

318.11.5 REPORTING INJURIES TO CANINES

In the event that a canine is injured during a deployment, the injury shall be immediately reported to the Department Commander as well as the appropriate canine unit supervisor. Injuries occurring during training or the course of normal duties shall be reported to the appropriate unit supervisor. Medical care for any injured canine shall follow the protocol established in § 318.11.2 et seq. The injury shall be documented on a Canine Use Report form and on a Departmental report form whenever appropriate.

318.11.6 DEATH OF A CANINE

In the event of the death of an active canine the handler shall do the following:

1. Notify the Department Commander,
2. Notify the appropriate canine unit supervisor,
3. Obtain a case number and complete the appropriate Department report,
4. Transport the deceased canine to the Department approved veterinarian,
5. For canines in TSA assignments the handler shall also,
   (a) Notify the FCC,
   (b) Obtain and provide to the FCC a veterinarian’s report detailing the cause of death.

TSA reserves the right to request a necropsy and a copy of the deceased canine’s original medical records be forwarded to the FCC.

318.12 HANDLER COMPENSATION

The canine handler shall be compensated for the time spent in the care, feeding, grooming, and other needs of the dog as provided in the Member's Memorandum of Understanding.

318.13 CANINE UNIT SUPERVISOR RESPONSIBILITIES

Each canine unit supervisor shall be appointed by the appropriate bureau staff and shall oversee their respective canine program. The responsibilities of each canine unit supervisor shall include, but not limited to, the following:

1. The patrol canine unit supervisor shall respond to all canine bites and conduct a supervisory use of force investigation into the activities of the canine and handler and complete required reports pursuant to this policy and Policy 300.9 Use of Force; Supervisor Responsibility.
2. Review Canine Use Reports to ensure compliance with current case law and Department policy.

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3. Coordinate testing and selection of all new canine handlers.
4. Coordinate testing, selection, and purchase of new canines.
5. Identify training and compliance issues.
6. Supervise necessary remediation training of any canine team displaying control, behavioral, or general performance issues.
7. Review Canine Training Reports to ensure compliance with current POST guidelines and Department policy.
8. Maintain liaison with contracted service and equipment providers.
9. Maintain liaison with administrative staff and functional supervisors.
10. Maintain liaison with other agency canine supervisors.
11. Maintain accurate records to document canine activities.
12. Recommend and oversee the procurement of needed equipment and services for the canine unit.
13. Be responsible for scheduling all canine related activities, including shift deployments.
14. Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

318.14 SELECTION OF CANINE HANDLERS

318.14.1 GENERAL MINIMUM CANINE HANDLER QUALIFICATIONS

1. General minimum qualifications for canine handler candidates:
    (a) Reside in an adequately fenced, single-family residence with a secure outdoor area for the dog that conforms to Department requirements.
        1. The minimum size should be 6x10, unless supervisor's approval is obtained.
    (b) Have a garage which can be secured and accommodate a marked canine unit.
    (c) Suitable off-street parking to accommodate an unmarked canine unit.
    (d) Live within 30 minutes travel time from the Orange County limits.
    (e) Successful completion of the canine handler selection process as appropriate for the particular canine assignment.
2. Additional minimum qualifications for the assignment of patrol canine handlers:
    (a) Orange County Sheriff-Coroner Department - Deputy II with a minimum of two years uniform patrol experience with satisfactory work performance.
3. Additional minimum qualifications for the assignment of Special Investigations Bureau Narcotics Detection Canine Handlers:
    (a) Full time OCSD Investigator assigned to Special Investigations narcotics /vice detail for at least one year.

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(b) Agree to be assigned to the position for a minimum of three years.

4. Additional minimum qualifications for the assignment of Custody Operations Detection Canine Handlers:
   (a) Orange County Sheriff-Coroner Department - Deputy I who has successfully completed probation, with satisfactory work performance.
   (b) Agree to be assigned to the position for a minimum of two years.
5. Additional minimum qualifications for the assignment of EDC (OCTA & JWA) Canine Handlers:
   (a) Member of the Orange County Sheriff's Department Hazardous Device Section and be able to successfully complete the FBI Basic Hazardous Device School.
   (b) Reside in an adequate residence with a secure area for the dog that conforms to TSA requirements.
      1. An inspection shall be done by the unit supervisor prior to selection.
      2. Have a garage which can be secured and accommodate a marked canine unit. The handler may be assigned an unmarked canine unit that may have to be curb parked due to the size of the unit.
      3. Agree to be assigned to the position for a minimum of three-years from date of graduation from TSA Canine Handler School.
6. Additional minimum qualifications for the assignment of Search and Rescue Canine Handlers:
   (a) Level 2 Reserve Deputy with satisfactory work performance.
   (b) Agree to be assigned to the position for a minimum of two years.

318.14.2 CANINE HANDLER SELECTION PROCESS
The selection process may include but is not limited to the following:

1. Personnel file review
2. Resume review
3. Oral interview
4. Practical scenario testing
5. Familiarization with canine (obedience)
6. Decoy exercise (apprehension)
7. Physical fitness testing (Patrol Canine Unit)

318.15 SELECTION AND TESTING OF CANINES

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318.15.1 GENERAL SELECTION AND TESTING OF CANINES

The primary factors to be considered when selecting canines for the unit shall be the animal's temperament and physical abilities to provide the desired service of a patrol and/or dual-purpose patrol/narcotic detector dog, and/or an explosive detection dog.

1. Dogs eligible to provide service to the unit shall meet the following criteria:
    (a) Breed or combination of breeds generally accepted for use in law enforcement. Examples include, but are not limited to, German shepherd, Belgian Malinois, Dutch Shepherd, Labrador Retrievers, Bloodhounds, or other suitable sporting breed dogs.
    (b) Successfully pass tests to determine courage, temperament, social ability, physical fitness, search drive, and search performance.
    (c) The canine must not have a history of uncontrolled aggression.
    (d) A canine that successfully passes the unit testing process must undergo a physical exam by the contract veterinarian. This includes complete x-rays, dental and fecal test, eye exam, and blood tests.
    (e) Any deviations from this policy shall be at the discretion of the specific canine unit supervisor. The final decision to accept or reject a canine purchase shall be made by the appropriate canine unit sergeant and Special Operations Division Captain.
    (f) Any canine that fails to successfully complete the required initial training program shall be returned to the vendor as provided in the Departmental purchase contract.

318.15.2 SELECTION OF CANINES FOR TSA ASSIGNMENTS

TSA shall provide a canine, as well as explosives detection training for the canine and handler team to the Department for assignment to John Wayne Airport and/or the Orange County Transportation Authority. It is understood that the TSA is granting an interest to the Department to utilize these explosive detection canines as they are the most effective and mobile asset available for explosives detection. They are a critical component in deterring and detecting the introduction of explosives into the Transportation Operating System (TOS). The EDC's shall remain the property of the TSA and are assigned to the unit based upon a threat and risk-based assessment, National and Local needs, as determined by the TSA.

318.15.3 RETIREMENT OF CANINES

Upon determination by a canine unit supervisor that a canine is no longer able to be effectively deployed based on its age, physical condition, behavioral condition, and/or time in-service, it shall be retired from service with the Department per the Orange County Board of Supervisors, Minute Order dated March 14, 1989.

The dog shall be released into the care and custody of its handler to provide it with a comfortable, humane, and caring environment for the remainder of its life.

Retirement of TSA owned canines shall be coordinated through the FCC.

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318.16 INITIAL CANINE TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet the appropriate industry standards. These standards may include current POST Law Enforcement Canine Guidelines, Transportation Security Administration (TSA) guidelines, Federal Bureau of Investigation (FBI)/ Bureau of Alcohol, Tobacco and Firearms (ATF), California OES Law Enforcement Branch Search and Rescue Mutual Aid - Canine Guidelines, and/or industry standards.

Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics shall be trained and certified to meet the current industry standards or canine standards established by POST. Standards shall be assessed by a recognized or POST approved evaluator.

Per POST guidelines, the evaluator shall not be compensated or have any financial considerations with the Department. Certification shall be conducted by a recognized certifying body.

Canine teams in TSA (OCTA and JWA) assignments shall be trained and certified to meet current TSA standards. Standards shall be assessed (re-certified) by a TSA appointed evaluator and/or trainer on an 18 month basis.

Canine teams in Hazardous Device Section assignments shall be trained and certified to meet current FBI or ATF standards. Standards shall be assessed by a FBI or ATF approved evaluator and/or trainer.

318.16.1 CONTINUED TRAINING

Each canine team shall thereafter be re-certified to current POST standards on an annual basis. Additional training considerations are as follows:

1. Canine teams shall train to standards, as set forth by POST, by the Department's contracted canine training provider.
2. Canine teams in TSA assignments shall train to standards, as set forth by TSA, by the TSA Trainer or by the Department's contracted canine training provider.
3. Canine handlers are encouraged to engage in additional training with approval of the Unit Supervisor.
4. To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to standards as set forth by POST or TSA for OCTA and JWA canine teams.
5. All Search and Rescue canine teams shall be trained and certified to meet the current California OES Law Enforcement Branch Search and Rescue Mutual Aid - Canine Guidelines.
6. All canine training, with the exception of obedience and regular exercise, shall be conducted while on-duty unless otherwise approved by the unit supervisor or Department Commander.

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318.16.2 CANINE TRAINING SAFETY PROCEDURES

Safety shall always be of the utmost concern to all Department Members. Participants, staff, and instructors shall place safety first and foremost during every training exercise, including pre-planned canine handler training events and individual canine handler training. To enhance safety, all training events shall require the identification of a Safety Officer(s) and if available, an OCSD supervisor shall be present for the duration of the training unless he or she is called for service or needed elsewhere. If the supervisor is unavailable to attend or remain at the training event, he or she shall review and approve the required training plan prior to any training being conducted.

The Safety Officer(s) identified in a pre-planned training event shall ensure all safety considerations and precautions outlined in this section are taken prior to any pre-planned training being conducted. In the case of individual canine handler training exercises, the canine handler shall be responsible for all safety considerations.

1. During the initial scheduling of each pre-planned training event/exercise, make advanced notice (via in-person/telephone/email) to each perspective training location to ensure the facility is properly approved and available for the training exercise.
2. On the day of the pre-planned training, and immediately prior to beginning the training, conduct a follow-up location check with the site representative to ensure the location is still approved and available for training.
3. With the assistance of an additional deputy (safety officer), conduct a complete and thorough walk through of the training area, ensuring it is free of any unauthorized persons, non-participants, or safety hazards.
4. Identify any unsafe areas or conditions and make safe for all parties (including K9s) involved in the training. In the event an unsafe area or condition cannot be rendered safe, that area or condition shall be excluded from the training exercise.
5. Conduct a safety briefing to all involved parties.
6. Warning signs (i.e., “CANINE TRAINING IN PROGRESS”) shall be prominently posted along the perimeter for public view for all canine training. ***For officer safety reasons, the warning signs can be posted immediately before the training begins.***
7. Maintain security along the site/location perimeter during the training to ensure no unauthorized parties enter the training areas.
8. Ensure firearms, with or without live ammunitions, are not used during training or at any unapproved training location.
9. Make immediate and proper notifications of any injuries sustained during training. If an injury occurs during training, refer to policy section 318.3 for proper procedures.

318.16.3 FAILURE TO SUCCESSFULLY COMPLETE POST CANINE TRAINING OR CERTIFICATION

Any canine team failing to complete annual POST or TSA canine certification, in either apprehension work and/or detection shall not deploy the dog in the field until certification is achieved. When practical, pending successful certification, the canine handler may be temporarily reassigned to regular duties.

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318.16.4 CANINE TRAINING RECORDS

Deputies responsible for preparing training plans should consider the safety of the public, the deputies involved, and the canines when formulating their plans. Due to these considerations, training plans for pre-planned training events shall include the following:

1. Type of training planned (apprehension, narcotic detection, etc.),
2. Date and location of training,
3. Identification of a Safety Officer(s),
4. Identification of the training site representative and contact information,
5. Dates and times when the site representative was notified and whether approval granted,
6. Photocopies of warning signs to be used for the training,
7. The training plan shall be scanned and saved into the designated K9 training file.

Training records generated by each canine handler assigned to patrol, custody, narcotics, the Hazardous Device Section, or Search and Rescue canine units shall be maintained as follows:

1. Saved in the canine handler's training file, which is monitored by the unit supervisor.
2. Copies of electronic records shall be stored in the designated K9 training file.

Training records generated by each EDC handler assigned to OCTA or JWA shall be maintained in the TSA NEDCTP Canine Website System (CWS) after training has been completed. They shall be stored in this system in compliance with all federal records retention requirements. The records are the sole property of TSA.

318.17 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public. Health & Safety Code § 11367.5 provides that any Sheriff, Chief of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

1. To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency.
2. Provided the controlled substances are no longer needed as criminal evidence.
3. Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration or valid court order that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.

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318.17.1 CONTROLLED SUBSTANCE TRAINING AID PROCEDURES

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

1. All necessary controlled substance training samples shall be acquired from the Orange County Sheriff-Coroner Department's evidence personnel authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
2. The weight and test results shall be recorded and maintained by this Department.
3. Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
4. All controlled substance training samples shall be made available for inspection, as well as weighing and testing, at the discretion of the unit supervisor.
5. All controlled substance training samples shall be stored in locked boxes at all times, except during training. In addition, the locked storage boxes shall be maintained in a secure location at all times. There are no exceptions to this procedure.
6. Any unusable controlled substance training samples shall be returned to the OCSD Property and Evidence Bureau.
7. Any narcotics detection team that has been issued training samples shall return the samples to the OCSD Property and Evidence Bureau to be weighed and tested upon the conclusion of the training or at the demand of the Property and Evidence Bureau.

318.17.2 CONTROLLED SUBSTANCE TRAINING AID IMMUNITY

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision, or instruction are immune from prosecution under the Uniform Controlled Substance Act while providing substance abuse training or canine drug detection training (Health & Safety Code § 11367.5(b)).

It shall be the responsibility of the North Narcotics sergeant to renew the Department’s license with the Drug Enforcement Agency’s Diversion Control Division annually, and the license shall be maintained in the North Narcotics office.

318.18 EXPLOSIVE DETECTION TRAINING AIDS

318.18.1 EXPLOSIVE DETECTION TRAINING AIDS IN HDS ASSIGNMENTS

The Hazardous Device Section (HDS) shall have appropriate explosives storage magazines for the storage of Canine Explosive Training Aids (CETA). The magazines and locks shall remain under the control of HDS personnel and will be used for storage of CETA. The keyed lock provided is the only lock allowed for use.

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1. The storage procedures for CETA, will follow the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) storage requirements.
2. CETAs used by the HDS Explosive Detection Canine teams shall be used exclusively for canine training and will be serialized for inventory purposes.
3. The HDS shall maintain CETAs required for proficiency training. The HDS shall conduct monthly inspections of CETAs and storage containers. These inspections are performed to ensure the accountability of the training aids and the safety of those handling them.
4. The explosive magazines shall meet or exceed Title 27, Code of Federal Regulations, Part 555, Commerce and Explosives, BATFE Explosives Law and Regulations (BATFE Publication 5400.7 [06/12])
5. CETAs shall be transported using a Type 3 Magazine, also known as a “Day Box”. (See Title 27, Code of Federal Regulations (C.F.R.) § 555.209, “Construction of type 3 magazines.”) The “Day Box” must be securely affixed to the transport vehicle to prevent any damage to the CETA as well as for protection of the public.

318.18.2 EXPLOSIVE DETECTION TRAINING AIDS IN TSA ASSIGNMENTS

TSA shall provide appropriate explosives storage magazines and keyed locks exclusively for the storage of TSA Canine Explosive Training Aids (CETA). The magazines and locks remain the property of the TSA and shall be used solely by the canine unit. The keyed lock provided is the only lock allowed for use. The NEDCTP shall maintain record of all documents related to the site selection and approval.

1. The storage procedures for CETA, as outlined in the NEDCTP Standard Operating Practices and Procedures (NEDCTP SOPP), shall be followed. BATFE storage requirements shall be met or exceeded.
2. Only CETAs provided by the NEDCTP are utilized by TSA canine teams for proficiency training purposes unless approved in advance by the NEDCTP.
3. The NEDCTP shall provide all CETAs required for proficiency training. The NEDCTP shall conduct monthly inspections of CETAs and storage containers. These inspections are performed to ensure the accountability of the training aids and the safety of those handling them.
4. The physical site for the NEDCTP provided explosive magazines meet or exceed Title 27, Code of Federal Regulations, Part 555, Commerce and Explosives, BATFE Explosives Law and Regulations (BATFE Publication 5400.7 [06/12]). The magazine site must be situated in accordance with BATFE Publication 5400.7 [06/12], Table 555.218 and NEDCTP requirements set forth by applicable requirements of the individual Transportation Operating System (TOS) to accommodate the maximum net weight explosives allowable.
5. All CETA shall be transported using a Type 3 Magazine, also known as a “Day Box”. (See Title 27, Code of Federal Regulations (C.F.R.) § 555.209, “Construction of type 3 magazines.”) The “Day Box” must be securely affixed to the transport vehicle to prevent any damage to the CETA as well as for protection of the public.

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6. All documentation related to the selection of the magazine cite shall be coordinated with the FCC and approval documents shall be maintained by the FCC.

318.18.3 INCIDENTS THAT REQUIRE NOTIFICATION TO TSA

The FCC serves as the primary TSA point of contact for the Department. The unit supervisor must immediately notify their FCC or designee of all incidents involving a TSA canine team as part of the standard incident reporting process. Such incidents include, but are not limited to, the following:

1. Any canine induced injury to any party (actual or alleged)
2. Missing/lost canines
3. Injured canines
4. Canine deaths
5. Canine fights with other government or civilian animals
6. Damaged property
7. Lost/ stolen/ damaged CETA and/or magazine keys
8. Canine final responses
9. Canine medical emergencies
10. Canine abuse (alleged or actual)
11. Handler negligence (alleged or actual)
12. Aggressive canine behavior
13. Scheduled or unscheduled extended leave by the handler, in excess of forty-five (45) days, shall require written notification to the FCC. Extended leave may be due, but not limited to, illness, military service, or disability.

318.18.4 DOCUMENTATION, STORAGE, TRAINING, AND UTILIZATION RECORDS

1. The canine handler shall enter canine team utilization records into the TSA NEDCTP Canine Website System (CWS) when practicable after the actual searches are completed.
2. The handler shall enter canine team training records into the TSA NEDCTP Canine Website System (CWS) within seventy-two (72) hours after actual training has been completed.
3. TSA shall be responsible for the storage of all records pertaining to the EDC.

318.18.5 PUBLIC RECORDS REQUEST REGARDING TSA ASSIGNMENTS

Documents pertaining to TSA assignments are under the direct control of TSA. All requests for documents or information pertaining to TSA assignments, to include those under the Freedom of Information Act (FOIA), Privacy Act, or California Public Records Act shall be directed to submit the request to the TSA Program Officer. The TSA Program Officer shall coordinate a response with the TSA FOIA Office. If the Department receives a request for documents which may be

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related to TSA assignments, County Counsel should be contacted to review the applicability of this paragraph and provide advice.

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Incident Command System (ICS) and National Incident Management System (NIMS) Training

319.1 PURPOSE AND SCOPE

It is the policy of the Orange County Sheriff's Department to develop and maintain a robust incident management capability. In doing so, the Department is better prepared to deal with large planned events and major incidents that threaten lives, property, and the natural environment in Orange County. Furthermore, the Department recognizes the obligations set forth by Homeland Security Presidential Directive (HSPD)-5, the California Emergency Services Act, Orange County Board of Supervisors Resolution 05-144, and the County Executive Officer's memo dated February 21, 2006 related to National Incident Management System (NIMS) implementation and compliance.

319.1.1 DEFINITIONS

The following are definitions of terms used in this section:

Incident Command System (ICS): A standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.

Incident Management Team: An established team of trained personnel activated to support field operations on major incidents.

National Incident Management System (NIMS): A standardized approach to incident management developed by the United States Department of Homeland Security based on the core concepts of the Incident Command System.

Operational Area: In the State of California, each county geographic area is designated as an Operational Area. An Operational Area is used by the county and the political subdivisions comprising the Operational Area for the coordination of emergency activities and to serve as a link in the system of communications and coordination between the state's Emergency Operations Centers and the operation centers of the political subdivisions comprising the Operational Area, as defined in Government Code sections 8559(b) and 8605. In the County of Orange, Operational Area emergency management responsibilities are delegated to the Director of the Emergency Management Division of the Sheriff’s Department.

319.2 ROLES AND RESPONSIBILITIES

1. The Special Operations Division - Mutual Aid Bureau shall be responsible for:

(a) Development, implementation and activation of Department Incident Management Teams.

2. The Training Division shall be responsible for:

(a) Coordinating Incident Command System, National Incident Management System and All-Hazards Incident Management Team training.

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(b) Tracking all ICS and Incident Management Team training for all personnel as well as training required for Departmental NIMS compliance.

(c) Providing quarterly updated training rosters to the Mutual Aid Bureau and Emergency Management Divisions to ensure team activation capability.

3. The Emergency Management Division shall be responsible for:

(a) Support of multi-agency All-Hazards Incident Management Team development and coordination of Operational Area exercises.

319.3 NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) TRAINING

In order to achieve and maintain compliance with the standards set forth by the National Incident Management System and other regulations identified above, Department Members are required to complete the training defined below within one year of hire OR within the probationary period of promotion. Online courses can be completed at the Federal Emergency Management Agency Emergency Management Institute Independent Study (IS) web site: https://training.fema.gov/is/, and California Specialized Training Institute (CSTI) web site: Training Details - Realize Your Potential: California Specialized Training Institute (csod.com).

Required Training (All Department Personnel):

1. ICS-100: Introduction to Incident Command System (online)
2. IS-700: National Incident Management System (NIMS): An Introduction (online)
3. G-606: Introduction, Standardized Emergency Management System (SEMS) (online)

Required Training (Sergeant and above and field supervisors):

1. ICS-200: ICS for Single Resources and Initial Action Incidents (online)
2. IS-800: National Response Framework, An Introduction (online)
3. ICS-300: Intermediate ICS for Expanding Incidents (in-person)
4. ICS-400: Advanced ICS (in-person)

319.4 INCIDENT MANAGEMENT TEAM TRAINING

Required Training (Lieutenants, Captains, Commanders and select personnel serving in specialized units with the potential to have incident management responsibilities in the field):

1. O-305: All-Hazards Incident Management Team

Required Training (Certain assignments as designated below):

1. NIMS ICS All-Hazards Position-Specific Training
    (a) Incident Commander - L 950
        1. Patrol Operations Command - Commanders and Captains
        2. Investigations & Special Operations Command - Commanders
        3. Mutual Aid Bureau Captain

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(b) Operations Section Chief - L 958

1. Special Operations Division - Captains and Sergeants
2. Investigations Division - Captains and Sergeants
3. Court Operations Division - Captains

(c) Planning Section Chief - L 962

1. Professional Services Command -Captains (excluding Internal Affairs)
2. Custody Operations Command - Commanders, Captains and Lieutenants

(d) Logistics Section Chief - L 967

1. Mutual Aid Bureau - Captain and Sergeants
2. Research and Development Division, Resource Management Section - Administrative Manager II and Administrative Manager I

(e) Finance/Administrative Section Chief - L 973

1. Patrol Operations Command - Administrative Manager I

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Terrorism Liaison Program

320.1 PURPOSE AND SCOPE

The Orange County Sheriff's Department's (OCSD) Terrorism Liaison program shall facilitate the flow of information between the Members of the Department and the homeland security community. The Terrorism Liaison Officer (TLO) serves as an information conduit between members of the public safety community, public/private sector, citizenry, and the US Government, in the fight against terrorism. All Department TLOs shall be certified by the Orange County Intelligence Assessment Center (OCIAC).

320.2 DIVISION/BUREAU PARTICIPANTS

1. Central Jail Complex, Theo Lacy Facility, James A. Musick Facility, Airport Operations, North Operations, South Operations, Court Operations, Investigations and Special Operations Division
2. Harbor Patrol/Maritime Operations, OCTA/Transit Police Services, Security Bureau

320.3 DESIGNATION

1. Terrorism Liaison Officer-Coordinator (TLO-C)
    (a) The Commanding Officer of the Counter-Terrorism Bureau is designated as the Orange County Sheriff's Department, Terrorism Liaison Officer Coordinator (TLO-C). The TLO-Coordinator is responsible for the coordination of all Department related TLO duties through each designated TLO-OIC. The TLO-C shall ensure appropriate training is provided to the designated TLO-OICs.
2. Terrorism Liaison Officer-Officer in Charge (TLO-OIC)
    (a) A Division/Bureau Terrorism Liaison Officer/Officer in Charge (TLO-OIC) at the rank of Captain shall be designated to ensure continuity of the TLO training, collection of data, and timely reporting to the Orange County Intelligence Assessment Center (OCIAC). Each Division/Bureau TLO-OIC shall be under the functional supervision of the Department's TLO Coordinator (TLO-C) for matters involving terrorism, threats, tips, and leads. The name of the specific Captain shall be provided to the (TLO-C).
3. Terrorism Liaison Officer (TLO)
    (a) Terrorism Liaison Officers (TLOs) shall be designated by each TLO-OIC. These individuals shall serve as the point of contact for the Department and the OCIAC. The selection of TLOs shall be based on the following qualities and not necessarily determined by rank or assignment:
        1. Express an interest in assuming the responsibilities of a TLO
        2. Demonstrate an interest in Homeland Security issues
        3. Demonstrate leadership ability
        4. Possess good communication skills and the ability to train others

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320.4 TLO RESPONSIBILITIES

1. Meet the following State of California TLO certification process.
   (a) Attend the 8 hour TLO Basic Course no later than six months after being assigned as a TLO. This Commission on Peace Officers Standards and Training (POST) certified course is considered the minimum training standard to serve as a TLO. To schedule this course, students should contact OCIAC.
   (b) Understand and sign both the JRIC and OCIAC "FOR OFFICIAL USE ONLY (FOUO) Non-Disclosure Agreement," presented during the eight-hour TLO Basic Class.
2. Act as the unit point of contact for:
   (a) Orange County Intelligence Assessment Center (OCIAC)
   (b) Terrorism Liaison Officer- Officer in Charge (TLO-OIC)
3. Monitor the OCIAC informational products regarding homeland security issues that may affect their jurisdiction.
4. Maintain unit situational awareness of National, State, and local homeland security efforts.
5. Be familiar with the mission, function, and operations of OCIAC.

320.5 NOTIFICATION OF POTENTIAL HOMELAND SECURITY ACTIVITY

1. All Members shall be responsible for:
   (a) Notifying the Department Commander and Division/Bureau TLO-OICs for situational awareness.
   (b) Reporting all potential homeland security activity to the Orange County Intelligence Assessment Center (OCIAC), and submitting an Information Report (DR), prior to completing their shift. Telephonic notification is preferred, but either of the below listed methods may be utilized:
      1. Telephonic notification: 714-628-3024
      2. Email notification: ociac@ociac.org
2. Suspicious Activity Reporting (SAR) is defined as unusual or suspicious activity that may have a nexus to terrorism.
   (a) The Orange County Intelligence Assessment Center (OCIAC) must be immediately notified of any suspicious incident, which may have a nexus to terrorism. Any information, which may be suspicious in nature, shall be reported to the OCIAC. It is critical that all personnel understand reporting procedures in order to ensure the effective and efficient flow of information.
      1. It shall be the duty of all Members to report any unusual or suspicious activity that may have a nexus to terrorism, whether or not they deem such information to be a credible or viable threat.

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2. Members shall be aware that potential Homeland Security Activity may not rise to the level of a crime
3. The activity may not have a clear nexus to terrorism
4. Speed and accuracy in reporting is crucial

320.6 TERRORIST SCREENING CENTER MATCH - NCIC QUERY

The Terrorist Screening Center (TSC) is located in Washington D.C. and maintains the U.S. Government's consolidated Terrorist Watch list. This resource is a single database of identifying information about those known or reasonably suspected of being involved in terrorist activity. Access to the TSC database is accomplished via CLETS/NCIC queries.

1. Upon receiving a possible match to a known or suspected terrorist, pursuant to an NCIC query, deputies shall contact the TSC immediately at (866) 872-9001. NOTE: Terrorist Screening Center handling codes are not related to, or the same as OCSD radio codes. A TSC "Handling Code 3" return does NOT require an emergency vehicle response.
2. All personnel who receive a TSC match in response to a NCIC query shall contact the TSC and then notify the OCIAC immediately.
3. Each TSC match will indicate an associated Handling Code. Deputies shall handle TSC subject query matches in the following manner:
   (a) TSC Handling Code 1: Approach with caution. The individual may be the subject of an arrest warrant. If a warrant is returned, detain the individual pursuant to Departmental procedures for handling an outstanding warrant. Call the TSC immediately at 866-872-9001
   (b) TSC Handling Code 2: Approach with caution. There may be a detainer for this individual. Detain the individual for a reasonable amount of time for questioning. Call the TSC immediately at 866-872-9001
   (c) TSC Handling Code 3: Approach with caution. Do not alert the individual that he/she may be on the terrorist watch list. Contact the TSC during this encounter at 866-872-9001. If this would expand the scope or duration of the encounter, contact the TSC immediately thereafter. Do not detain or arrest this individual unless there is evidence of a violation of Federal, State, or local statutes.

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Tire Deflation Device

321.1 DISCONTINUED USE

Patrol Operations will no longer use tire deflation devices (spike strips), as previously described in OCSD Policy 321. After some review of the current standards and practices, the Department has determined these devices to be ineffective and, in some instances, could result in possible injury to the deputies during deployment. As a result, the use of any tire deflation device in Patrol Operations is no longer authorized.

SWAT will continue to use tire deflation devices as it applies to SWAT operations.

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Department Incident Management Teams (IMT)

322.1 PURPOSE AND SCOPE

The Department Incident Management Teams (IMT), when activated, supports the management of major incidents within the Department's jurisdiction that require a significant number of Department personnel and/or resources. These incidents can extend into multiple operational periods (12 hours or more) and require a written Incident Action Plan (IAP). The IMT is a resource utilized by Department personnel to provide incident management capabilities, respond to large scale/complex incidents, and strengthen command, control, and coordination to major incidents within the Department's jurisdiction. IMTs shall meet with the Department and other stakeholders to clarify management objectives to mitigate the effects of the incident.

The Department IMT shall act as a support element to an ongoing incident. The current Incident Commander shall continue in the position while the IMT supports and strengthens the command, control, and coordination aspects of the incident by providing position-specific trained personnel.

322.2 CAPABILITIES

Incident Management Teams are classified in 5 “Types”:

Type 1	National or State team for incidents of national significance
Type 2	National or State team for incidents of regional significance
Type 3	Multiagency/multijurisdictional team for extended incidents and multiple operational
Type 4	Single and/or multiagency team for expanded incidents
Type 5	Single-discipline team for initial action and small incident

Each patrol area is responsible for their individual Type 5 IMT, which is already established in day-to-day operation. The Department IMT is modeled as a Type 4 IMT for expanded incidents. The Federal Emergency Management Agency (FEMA) defines a Type 4 IMT as a designated team of fire, EMS, and possibly law enforcement officers from a larger and generally more populated area, typically within a single jurisdiction (city or county), activated when necessary to manage a major or complex incident during the first 6-12 hours and possibly transition to a Type 3 IMT.

322.3 DEFINITIONS

The following are definitions of terms used in this section:

1. **Incident Commander (I/C):** The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and the release of resources. The I/C has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

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2. **Agency Administrator or Executive:** Chief executive officer (or designee) of the agency or jurisdiction that has responsibility for the incident.
3. **Incident Command Post (ICP):** The field location at which the primary tactical-level, on-scene incident command functions are performed. The ICP may be collocated with the incident base or other incident facilities.
4. **Incident Action Plan (IAP):** A written plan containing general objectives reflecting the overall strategy for managing an incident. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods.
5. **Event Action Plan (EAP):** A written plan containing general objectives reflecting the overall strategy for managing a planned event for a single or set number of operational periods. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the event should it extend into additional operational periods.
6. **Delegation of Authority:** A statement provided to the Incident Commander by the Agency Executive delegating authority and assigning responsibility. The Delegation of Authority can include objectives, priorities, expectations, constraints, and other considerations or guidelines as needed. Many agencies require written Delegation of Authority to be given to Incident Commanders prior to their assuming command on larger incidents.
7. **Incident Command System (ICS):** A standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.
8. **National Incident Management System (NIMS):** A standardized approach to incident management developed by the Department of Homeland Security that is based on the core concepts of the Incident Command System.

322.4 ORGANIZATION

The IMT shall follow standard organization under the Incident Command System (ICS), and is flexible and scalable based on the necessity or perceived severity of an incident or event.

The IMT Deputy Incident Commander (IMT Deputy I/C) shall consider a combination of the following positions under the Incident Command System (ICS) for staffing:

1. Deputy Incident Commander (Deputy I/C)
2. Operations Section Chief (OSC)
3. Logistics Section Chief (LSC)
4. Planning Section Chief (PSC)
5. Finance and Administration Section Chief (FSC)
6. Liaison Officer (LOFR)

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Department Incident Management Teams (IMT)

The Department IMT shall be coordinated through the Special Operations Division as outlined in Policy Manual 320. The Department shall maintain four (4) Department IMTs (Southwest, Southeast, North, and Custody/Courts). Department IMT eligibility and selection shall be the responsibility of the designated divisions. Department Members interested in IMT should submit a Department memorandum to their respective Commander detailing their training and experience. The selection of IMT personnel shall be based on the following qualities and not necessarily determined by rank or assignment:

1. Express an interest in assuming the responsibilities of a IMT member
2. Demonstrate an interest in Homeland Security issues
3. Demonstrate leadership ability
4. Possess good communication skills and the ability to train others

Deputy Incident Commander (Deputy I/C)	Overall management of the IMT with potentially delegated authority over an incident which is by nature complex and which requires numerous personnel and resources focusing on prevention, protection, mitigation, response, and recovery. Develops and implements objectives based on escalating incident complexity. Delegates various management tasks by assigning objectives to general staff personnel for the 5 mission areas.	Sworn

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Operations Section Chief (OSC)	Manages all aspects of the Operations Section, which covers five mission areas. Provides tactical assignments documented in the IAP and directs execution. Makes expedient changes to the current operations based on complexity and reports changes to the I/C. Manages all operations and progress related to the incident. Ensures safety and welfare of Operations section personnel. Supervises and configures the section with branches, divisions, groups, and units to support the operation. Report information about changes in conditions, events, and occurrences to the Incident Commander.	Sworn

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Logistics Section Chief (LSC)	Manages logistical needs. Provides facilities services, people and materials in support of the incident. Advises the I/C on all matters relating to logistics planning, facilities, communications, ordering, receipt, storage, transport, and onward movement of goods, services, and personnel. Coordinates logistics at a Department level. Supervises and configures section to support operations with branches, divisions, groups, and units as necessary	Shared

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Planning Section Chief (PSC)	Manages all aspects of the Planning Section. Manages the preparation of strategies and plans for the incident and submits status reports. Prepares, collects, evaluates, disseminates and uses incident information to develop the IAP. Facilitates incident information to maintain situational awareness (current and future). Provides periodic predictions on incident potential and incident course of action. Coordinates planning efforts at the Department level. Supervises and configures section with units and single resources as necessary.	Shared
Finance and Admin Section Chief (FSC)	Responsible for all financial, administrative, and cost analysis aspects of an incident. Advises the I/C on financial and administrative matters. Develops the operating plan for the section. Coordinates finances with the Department. Supervises and configures section with units to support as necessary.	Shared

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Liaison Officer (LOFR)	Point of contact for representatives from other divisions or agencies that are not members of Incident Command. Provides updates to other Department entities with a need to know.	Shared

322.5 REQUEST FOR USE OF IMT

Activation of the Department IMT can be initiated for different types of incidents and planned events that may necessitate coordination and support from the lead jurisdiction. A request for the Department IMT can be made from the Incident Commander, Commander, or OCSD Executive Command.

The Department IMT can be requested through the Department Commander, 24 hours a day. The opportunity for safe and successful mitigation of a major incident extending multiple operational periods may be enhanced with a timely request. The IMT may be requested for planned events which have the potential to extend to more than one operational period.

Incidents where the Department IMT may be used include, but are not limited to:

1. Coordination of on-scene operations
2. Natural disasters, e.g., earthquakes, floods, fire, etc.
3. Planned exercise or public event requiring the cooperation and joint participation of two or more patrol areas
4. Public health emergency
5. Acts of Terrorism
6. Train derailments, aircraft incidents, and other large/complex accidents
7. Mass casualty incidents
8. Jail escapes

322.6 NOTIFICATIONS

Upon request of the IMT, the Department Commander shall contact the Mutual Aid Bureau Captain or designee. For pre-planned events, the Chief of Police Services or designee may contact the Mutual Aid Bureau Captain directly. The IMT Deputy I/C shall be notified by the Special Operations Division, Mutual Aid Bureau representative and given incident specific information regarding nature of the incident, location of the Incident Command Post, resources involved, current incident status, and any mission critical information. Based on the Deputy I/C's evaluation, they shall contact the appropriate number of IMT Members to respond to the Incident Command Post.

Major Incident Notifications shall continue to be made by the Department Commander per Policy Manual 358.

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322.7 IMT RESPONSIBILITIES

The following explain the main responsibilities of the IMT:

1. Upon deployment to a major incident, the current I/C shall brief the IMT Deputy I/C on the incident and provide a situational update including staffing levels, resource allocation, location of incident, current assessment of capabilities, and assignment of responsibilities.
2. The IMT Deputy I/C shall coordinate with the Incident Commander in establishing a meeting with the Agency Administrator (County Executive, Chief of Police Services, and/or City Manager, etc.) to assist in obtaining any necessary Delegation of Authority and to develop Management Objectives which shall be included in the Incident Action Plan (IAP).
3. The Incident Commander and IMT Deputy I/C shall brief the IMT Members on their roles and responsibilities prior to integrating as requested into the current Incident Command System (ICS) structure.
4. Assess current deployment model and determine if any changes need to be made e.g., deployment allocation, location of the Incident Command Post, and/or resource requests.
5. Provide situational updates to their Department Chain of Command, Agency Administrators, major stakeholders, and mutual aid partner agencies that may impact overall Department readiness and law enforcement response capability.
6. Develop Operational Period timeframes and IAPs for each Operational Period.
7. Determine management needs and coordinate for the deployment of a relief IMT, as needed.
8. Liaison with the Department Public Information Officer (PIO) to release incident specific information to the general public.
9. Help mitigate the effects of the incident to bring about a peaceful and timely resolution to the major event.
10. In the event an incident evolves into a Unified Command with additional agencies, the Incident Commander shall act as the Department Agency Representative in Unified Command.

322.8 DOCUMENTATION

An IAP is required for each operational period. An IAP formally documents incident goals (known as control objectives in NIMS), operational period objectives, and the response strategy defined by Incident Command during response planning. It contains general tactics to achieve goals and objectives within the overall strategy, while providing important information on event and response parameters. Equally important, the IAP facilitates dissemination of critical information about the status of response assets themselves. Because incident parameters evolve, action plans should be revised on a regular basis (at least once per operational period) to maintain consistent, up-to-date guidance across the system.

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An EAP is required for each planned event. Documentation needs are the same as the IAP, but are designed for a single or planned number of operational periods. Events extending past the planned operational period(s) become incidents by default and require an IAP for all subsequent periods.

ICS FORMS FOR AN INCIDENT:

ICS-201 (Incident Briefing)	Used at the beginning of the first operational period
ICS-202 (Incident Summary)	Operational period objectives, information, and contents
ICS-203 (Organization List)	ICS position assignments
ICS-204 (Assignment List)	Branch objectives, assignments, personnel, and resources
ICS-205 (Communications)	Communications Plan
ICS-205A (Contact List)	Radio or telephone contact numbers for ICS positions
ICS-206 (Medical Plan)	Medical Plan for responders
ICS-207 (Organization Chart)	Organizational chart for the incident
ICS-208 (Safety Message)	General safety information for the incident
ICS-209 (Incident Status Summary)	Incident Information Summary
ICS-215 (Operational Planning Worksheet)	Used to determine resources on hand, needs, and availability

Copies of Incident Management Team IAPs and/or EAPs shall be maintained by the OCSD Special Operations Division, Mutual Aid Bureau, pursuant to the Department's records retention policy. For incidents where a State of Emergency or official proclamation is made, documentation shall be retained until FEMA or CalOES officially closes the matter.

322.9 IMT TRAINING

The Special Operations Division, Mutual Aid Bureau and Training Divisions shall coordinate with the individual Department IMTs in designing, conducting, and reviewing functional training exercises, drills, or tabletop scenarios. These training exercises shall be conducted on a bi-annual basis.

322.9.1 REQUIRED TRAINING (PER POLICY MANUAL § 320)

1. USFA O-305: All-Hazard Incident Management Team
2. NIMS ICS All-Hazard Position Specific Training
   (a) I/C: L-950
   (b) OSC: L-958
   (c) PSC: L-962
   (d) LSC: L-967

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(e) FSC: L-973

3. ICS-100: Introduction to Incident Command System (online)
4. ICS-200: ICS for Single Resources and Initial Action Incidents (online)
5. ICS-300: Intermediate ICS for Expanding Incidents (in-person)
6. ICS-400: Advanced ICS (in-person)
7. IS-700: National Incident Management System (NIMS): An Introduction (online)
8. IS-800: National Response Framework, An Introduction (online)

322.9.2 ADDITIONAL TRAINING COURSES

1. MGT-314: Enhanced All-Hazard Incident Management / Unified Command Course
2. Management, leadership, and teambuilding training relevant to emergency response (e.g., Field mentorship training, L-381: Incident Leadership, table-top, and full scale exercises)

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Mobile Field Force

323.1 INTRODUCTION

It is important that all Department personnel understand the Mobile Field Force (MFF) concept, the procedures for assembling a Mobile Field Force, and be prepared to respond to any unusual occurrence in an organized, disciplined, and trained manner. Reference sections for MFF operations are found in the Field Operations Manual Sections 72 "*Motorcycle Strike Team*"; and 12 "*Crowd and Mob Control.*"

(This replaces OPM Section 71 Mobile Field Force)

323.1.1 MOBILE FIELD FORCE CONCEPT

The "Mobile Field Force Concept" was developed to provide an efficient and effective method to assemble, deploy, and control a platoon or squad sized tactical element from on-duty personnel. It can be used for both spontaneous and planned events that require the rapid deployment of personnel.

323.2 MOBILE FIELD FORCE (MFF) CONFIGURATION

Ideally, a Mobile Field Force is a platoon-sized unit commanded by a captain or lieutenant (MFF Leader) with a sergeant as an assistant (Deputy MFF Leader). At maximum strength, a MFF consists of four, 12-person squads (1-Sergeant and 11-Deputies). Two additional personnel can be added to provide a transportation arrest team. This constitutes a platoon sized force of 52 personnel which is in compliance with the California Office of Emergency Services standards. These numbers are a guideline only and can be modified as needed.

Sergeants and Deputies assigned to MFF positions must be ready to deploy immediately. To do so, Squad Leaders are required to know who is in their squad and be able to contact them immediately.

323.3 "VIRTUAL" MOBILE FIELD FORCE CONCEPT

Pre-designated Mobile Field Force positions are identified on the Virtual Mobile Field Force Roster, which ensures MFF personnel are readily available at all times. This staffing concept is referred to as a "Virtual Mobile Field Force." Should a MFF component be required for local assistance or mutual aid, deputies assigned to the pre-designated MFF would be activated first.

The utility of the "Virtual" MFF lies in the increased level of readiness it provides the Operational Area. The "Virtual" MFF concept is merely a readiness measure. During normal day-to-day operations, personnel assigned to MFF positions are not required to do anything MFF related other than be aware of their responsibilities and be prepared to respond if activated. Shift Sergeants and supervisors are responsible for inputting assigned personnel information into the Virtual Mobile Field Force Roster and immediately updating the roster to reflect any changes due to modified hours, absence, reassignment, priority calls, etc. The shift or scheduling Sergeant has the discretion to replace the Member with other available personnel.

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MFF rosters are a compilation of the personnel assigned to dedicated MFF positions. They must, however, ensure that the dedicated Mobile Field Force positions on the Virtual Mobile Field Force Roster are staffed. This should be done by realigning existing personnel and not by using overtime. All information shall be entered no later than 0600 hours for Shift I and no later than 1800 hours for Shift IV. Department Commanders will review the rosters to confirm the information is updated, complete and all positions are filled.

323.3.1 ACCESSING THE MOBILE FIELD FORCE ROSTER

1. Access the Department intranet
2. Access MY18
3. Select WE ARE OCSD
4. Select Field Ops & Investigations
5. Select Virtual Mobile Field Force Roster
6. Input Shift I and Shift IV personnel information (save in real time)
7. To print, select File, Print
8. Or select File, Save As and save the document to your computer. Open the newly saved document in Excel and select File, and Print.

323.4 SPECIFIC MISSIONS

1. Response to natural disasters
2. Conventional crowd management
3. High profile patrol operations
4. Evacuation
5. Security/Patrol of evacuated areas and critical facilities
6. Jail disturbances
7. Force Protection
8. Mass arrest/processing
9. Mutual Aid requests

323.4.1 SELECTION OF STAGING LOCATIONS

1. A staging location should be strategically located proximate to within the area of occurrence.
2. Wide streets are more desirable than parking lots with only one entrance and exit because they provide easy ingress/egress.
3. Contract Cities "Standing Plans" should pre-designate staging locations within their cities.

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4. The designated MFF Leader shall identify and designate a subordinate MFF supervisor to assemble the MFF (generally the responsibility of the Deputy MFF Leader). The MFF supervisor can be assisted by a Staging Manager with this task.

Based on the circumstances, the MFF Leader shall determine whether to respond directly to the incident location and meet with the Incident Commander or respond directly to the MFF staging location.

323.5 INCIDENT ACTION PLANS (IAP)

Virtual Mobile Field Force squads can be included in the Incident Action Plan (IAP) for a planned event. They can be listed in an IAP as a source of additional law enforcement resources in an emergency. The appropriate chain of command must authorize the use of their personnel before they can be included in an IAP.

323.5.1 CODE CHARLIE

A Code Charlie is defined in the Orange County Chiefs of Police and Sheriff's Association Protocol 102, Section 4.2 as:

1. *Code Charlie is an emergency alert plan to notify neighboring agencies of the impending need for manpower and resource assistance. It is normally put into effect when emergency or riotous conditions exist and the need for mutual aid is anticipated.*

Virtual Mobile Field Force squads can be used as the designated response element for a Code Charlie request. Use of a Virtual Mobile Field Force must be authorized by the appropriate chain of command.

323.5.2 AVAILABLE RESOURCES

Daily, there are four MFF squads available (each comprised of eleven deputies and one sergeant), covering two shifts: Shift I (0600-1800) and Shift IV (1800-0600).

1. Shift I squads shall be designated as **Alpha** (South Patrol), **Bravo** (CJX), **Charlie** (North Patrol, South Patrol, and JAMF), and **Delta** (Theo Lacy).
2. Shift IV squads shall be designated as **Echo** (South Patrol), **Foxtrot** (CJX), **Golf** (North Patrol, South Patrol, and JAMF), and **Hotel** (Theo Lacy).
3. MFF elements can be activated in any order depending on the circumstances. Consideration should be given to location, nature, expected duration, and potential consequences of the event.
    (a) **Alpha** and **Echo** squads are the most mobile.
    (b) **Bravo** and **Foxtrot** squads are closest to the Civic Center complex.
    (c) **Delta** and **Hotel** squads are closest to Anaheim Stadium and Honda Center.
    (d) **Charlie** and **Golf** squads are composite squads that may take longer to assemble, but would have less of an operational impact on any one work location.

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323.5.3 RADIO DESIGNATIONS

The assignment designator for Mobile Field Force shall be "69." The position designator (1 thru 13) shall be indicated next to each squad Member's name on the MFF Roster.

1. The call sign for the Alpha Squad Leader shall be 18-69-Alpha 1 (The station number is "18," the assignment designator is "69," the squad designator is "Alpha," the position designator is "1."
2. The call sign for the MFF Leader shall be 18-69-Lima 1.

There is no shift designator. Alpha, Bravo, Charlie, and Delta squads are on Shift I and Echo, Foxtrot, Golf, and Hotel squads are on Shift IV.

323.5.4 ACTIVATION

Requests for a Mobile Field Force can come from a variety of sources (any sworn Department Member, watch commander, outside law enforcement agencies, fire departments, State officials, Federal officials, etc.). Once the Department Commander or his/her designee approves the request, MFF personnel shall be directed to respond immediately to a staging area prior to deployment. Properly equipped units should respond immediately to the staging area while using the appropriate emergency driving protocols.

The Department Commander may deploy a Staging Manager to assist in the assembly of the MFF. The Staging Manager shall organize responding personnel at the staging area before they are deployed to the incident.

323.6 MOBILE FIELD FORCE COMMAND STRUCTURE

The Department Commander shall be responsible for the following:

1. Review the MFF Roster at the beginning of each shift. Contact squad leaders to address any concerns.
2. Activate and deploy MFF squads as needed.
3. Activate a Staging Manager if needed.
4. Be prepared to deploy as the MFF Leader if needed.
5. Be responsive to the needs of the deployed MFF (logistics and planning for multiple operational periods).

323.6.1 MOBILE FIELD FORCE LEADER

1. The Department Commander shall either serve as the MFF Leader or designate a MFF Leader whenever more than one MFF Squad is deployed.
2. The MFF Leader shall assume the command and control function for all Department MFF personnel and assets. (Note: The MFF Leader should have a span of control of one MFF. A second MFF deployed shall require another MFF Leader.)

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323.6.2 SQUAD LEADER

1. Review the MFF Roster and make any needed changes. Contact the personnel assigned to their squad and confirm they are prepared for a MFF deployment. Obtain cell phone numbers of their squad Members so they can be contacted quickly.
2. Collect starting and ending mileage for the vehicles used by the Members of their squad.
3. Collect start and end times for all personnel in their squad.

323.6.3 DEPUTY/INVESTIGATOR

1. Personnel assigned to Dedicated Mobile Field Force positions must confirm their squad designation and the name and contact information of their MFF Squad Leader.
2. Personnel assigned to Dedicated Mobile Field Force positions must have the appropriate gear. Refer to the below section titled "Required Individual Equipment" for further details.

323.6.4 STAGING MANAGER

1. Any sworn Member of the Department can serve as a Staging Manager.
2. The Staging Manager shall coordinate and organize responding MFF personnel.
3. The Staging Manager shall organize the personnel into their platoons and accurately record the MFF personnel deployed.
4. The Staging Manager shall liaison with the Department Commander.
5. The Staging Manager can deploy with the MFF and can be assigned any position at the discretion of the Department Commander, MFF Leader, or Squad Leader.

323.6.5 FIELD BOOKING TEAM

1. The IRC/Transportation can field either a MFF Squad or a Field Booking Team, but not both simultaneously.
2. The decision to request a MFF Squad or a Field Booking Team should be made prior to calling the IRC/Transportation Watch Commander to request these assets.

323.6.6 REQUIRED INDIVIDUAL EQUIPMENT

All supervisors and deputies responding to a Mobile Field Force incident shall be required to have the following:

1. Department-approved 36 inch baton
2. Kevlar ballistic helmet with face shield
3. Class "C" or "B" patrol duty uniform with metal or cloth badge
4. Duty uniform jacket
5. Duty weapon with ammunition
6. Handcuffs

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7. Patrol equipment belt
8. Pac-set
9. Ballistic vest
10. Pepper spray
11. Body Worn Camera - BWC (if assigned)

323.6.7 LOGISTICS TRAILER

1. Contains supplies to assist in Mobile Field Force operations.
2. Contact Transportation for assistance in deploying this asset.

323.7 REQUIRED DOCUMENTS/FORMS

1. ICS 204- Command Unit/Assignment List *(Downloadable under OCSD Intranet, Knowledge Center, Forms-Document Center)*
2. ICS 214- Unit Log *(Downloadable under OCSD Intranet, Knowledge Center, Forms-Document Center)*
3. OCSD- Patrol Log

Note: The following checklists are meant to serve as a helpful guide only. Department personnel should only use them if needed.

323.7.1 ICS 204 - DIVISION UNIT/ASSIGNMENT LIST
See attachment: ICS 204-Division Unit-Assignment List.JPG

323.7.2 ICS 214 - UNIT LOG
See attachment: ICS 214-UNIT LOG.JPG

323.7.3 FIRST RESPONDER CHECKLIST
The first officer at the scene of an emergency is responsible for establishing on-scene command, broadcasting a situation assessment, setting up a command post, requesting necessary personnel and equipment, and designating a Staging Area for responding personnel. To accomplish these tasks, the first responder (or field supervisor) must assume command responsibility, assign missions, gather intelligence, and delegate tasks as necessary to establish control until relieved.

Situation Assessment:

A situation assessment is that information developed by the first officer at the scene of an emergency and is basic intelligence transmitted to the communication center, and then additionally conveyed to other concerned agency elements concerned with the control of the event. Situation assessments should be updated as the event changes and control measures are implemented to return the situation to normal. The initial situation assessment should include:

1. Type of emergency
2. Location of emergency

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3. Type of structure/vehicles involved
4. Size of area involved
5. Number of additional officers required
6. Incident Command Post location
7. Staging Area locations
8. Access routes for emergency vehicles
9. Assistance required (e.g., ambulance, fire, public utility)
10. Number and type of casualties/injuries

Once the situation assessment has been completed, the first responder (as Acting Incident Commander) can direct attention to control measures related to the event. These would include:

1. Establish a journal/log for recording major activities
2. Establish a communication link with the communications center
3. Request personnel and equipment resources needed for the control of the event

Assign personnel to staff ICS functions:

1. Operations
2. Planning/Intelligence
3. Logistics
4. Finance/Administration

Develop and implement an operations plan which may include:

1. Perimeter control provisions
2. Interior patrol provisions
3. Evacuation procedures
4. Liaison with other emergency agencies
5. Traffic control plans
6. Mobilization of on-duty personnel
7. Mutual Aid contingencies

An agency's role at the scene of disasters and other emergencies may be to support the local fire department or other emergency response force. The first responder (Incident Commander) can be of assistance by providing the following:

1. A liaison officer to the Fire Commander or other Command Staff
2. Control of emergency vehicle access routes
3. Perimeter traffic control
4. Evacuation, if necessary

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323.7.4 INCIDENT COMMAND POST CHECKLIST

This checklist assists the first responder and field supervisors in establishing an Incident Command Post (ICP). The guidelines are flexible and can be modified to deal with specific field situations. The purpose of a command post is to:

1. Establish a facility that is strategically located to command the overall operation of the emergency
2. Maintain centralized and systematized communication
3. Logistically monitor and regulate personnel and equipment needs
4. Acquire, analyze and properly distribute intelligence and other relevant information
5. Coordinate activities with associated agencies

Incident Command Post (ICP) Selection Factors:

1. Strategically, but safely, located
2. Accessible to responding personnel
3. Defensible against crowds, snipers, fire bombs, etc.
4. Sufficient space for responding personnel and equipment
5. Accessible to restroom facilities
6. Have communication capabilities or access to telephones, radio, television, microwave, etc.
7. Accessible to electricity and water service
8. Contain structures for personnel briefing and protection against weather
9. Storage space and area for vehicles available

Potential Command Post Sites:

1. Schools/universities
2. Parks
3. Large parking lots
4. Water/power facilities
5. Churches
6. Military armory

Establish Command Post:

1. Notify communications, Commander/Chief, and responding units of Command Post location and staging area if at another location
2. Request sufficient personnel for Command Post
3. Identify routes to Command Post/Staging Area
4. Appoint Command Post staff, as needed:

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(a) Radio Operator
(b) Command Post Scribe
(c) Personnel Officer to make assignments
(d) Logistics Officer to receive/issue equipment/vehicles
(e) Planning/Intelligence Officer to gather information
(f) Command Post Security Officer for perimeter security
(g) Public Information Officer

5. Additional assistance needed:
   (a) Air support
   (b) Mutual Aid
   (c) Fire Department
   (d) Ambulance/Paramedics
   (e) Red Cross
6. Identify radio frequency to be used
7. Identify and isolate Command Post area with ropes or barrier tape
8. Identify an area for Public Information Officer to coordinate news media activities
9. Maintain open lines with communication center
10. Keep all concerned personnel briefed as to status of problem
11. Notify other concerned agencies:
    (a) Hospitals
    (b) Public Agencies
    (c) Other jurisdictions requiring information

323.7.5 FIRES CHECKLIST

This checklist is intended to assist the field supervisor in the initial stages of a fire. These guidelines are flexible and can be modified to deal with specific field situations. Generally, the Incident Commander will be from the fire service and law enforcement will assume a support role.

Situation Assessment:

Ensure that a Situation Assessment has been prepared by field units and has been communicated to the communications center. It should contain:

1. Location of emergency
2. Size of involved area, actual and potential
3. Apparent direction of the fire
4. Type of area (e.g., business, residential, hillside, etc.)

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5. Ingress/egress routes for emergency vehicles
6. Additional law enforcement personnel needed
7. Location of staging area
8. Location and radio designation of Command Post

Liaison:

1. Establish liaison with fire command

Deploy personnel to:

1. Maintain ingress and egress routes for emergency vehicles
2. Establish perimeter control, keeping unauthorized vehicles and pedestrians out of involved area
3. Establish anti-looting security patrols for evacuated areas within the perimeter
4. Conduct an evacuation, if required
5. Relieve (demobilize) personnel as activity is reduced
6. Maintain a unit log

323.7.6 HAZARDOUS MATERIALS INCIDENT CHECKLIST

This checklist is intended to assist the field supervisor with the initial stages of a spill or release of a hazardous material (Haz Mat) substance or waste. These guidelines are flexible and can be modified to deal with specific situations.

Special Considerations:

1. Be aware of and avoid self-contamination
2. Do not drive thru the contaminated area
3. Do not eat, drink, or smoke near the area
4. Do not use flares. Request barricades for traffic blocks
5. Do not touch any substances or articles involved. Treat all as contaminated until otherwise determined
6. Stay upwind of scene. Monitor wind direction changes
7. Gas masks do not filter toxic vapors
8. Keep all non-emergency personnel away from scene
9. Do not permit unauthorized clean up of hazardous materials such as wash downs, dilution etc. These mitigation measures should only be undertaken by trained and equipped haz mat technicians or specialist

Situation Assessment:

1. Type of accident, type of premises, vehicles involved
2. Location of incident, size of involved area

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3. Direction of fluid or vapor travel
4. Property and/or vehicle owner's name
5. Placard information, color of smoke, description of odor
6. Name of substance, if known
7. Determine health hazards
8. Symptoms of injured persons, number of injured
9. Weather conditions wind direction, speed, and any expected changes
10. Degree of danger at site, potential danger to surrounding area, city, and emergency crews
11. Ingress/egress routes for responding emergency personnel
12. Command Post and staging area locations

Initial Response:

1. Immediately request local fire service, haz mat response team, and emergency medical units (advise safe ingress)
2. Close immediate area
3. Establish perimeter control
4. Providing liaison with fire service and other emergency response units (e.g., hazardous materials team)
5. Establish command post upwind of location
6. Coordinate activities with other emergency response units
7. Maintain log of activities

Evacuation:

1. Give situation estimate to Incident Commander
2. Decision to evacuate should be made by Incident Commander
3. Develop plan to evacuate
4. Establish command post to coordinate evacuation
5. Determine evacuation facilities for evacuees

Contaminated Personnel:

1. Isolate from non-contaminated personnel
2. Follow established hazardous materials decontamination procedures
3. Note: Some hazardous materials react with water. Seek the advice of a qualified hazardous materials technician/specialist

Additional Notifications:

1. The Governor's Office of Emergency Services on all incidents

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2. Fish and Game, on threat to natural wildlife
3. US Coast Guard if waterways involved
4. CHP if state highway
5. Administering agency
6. Appropriate county, state, and federal agencies, i.e. EPA
7. FBI, if terrorism or weapons of mass destruction are suspected

Incident Investigation:

1. Collect information for incident reporting should not begin until area has been decontaminated; however, evidence should not be disturbed until evaluated and recorded
2. May be jointly conducted with other involved agencies
3. Should provide all available information and assistance to other agencies

323.7.7 AIRCRAFT CRASH CHECKLIST

This checklist is intended to assist the field supervisor with the initial response to an aircraft crash. It is recommended that unified command be established to ensure a coordinated response with other involved agencies. Local law enforcement will generally not have an investigative responsibility for aircraft crashes, but will provide perimeter control, site security, evidence protection, and facilitate response with the fire service, medical-rescue, and federal authorities that have investigative responsibility.

Situation Assessment:

Ensure that a situation estimate has been obtained and communicated to the communication center and that it contains the following information:

1. Location of accident
2. Type of structure involved
3. Type of aircraft involved: military or civilian, passenger or cargo, helicopter or jet, private or commercial
4. Class of aircraft: single engine or multiple
5. Number of injuries and deaths if known
6. Additional assistance needed: police, fire, medical, military, etc.
7. Location of Command Post and Staging Area
8. Best available ingress/egress routes for emergency personnel and vehicles

Special Considerations:

1. Approach from up wind
2. Do not approach on same path as aircraft

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3. Avoid breathing smoke, possible toxic materials
4. Potential for fire/explosions
    (a) Military aircraft may contain weapons, ammunition, ejection seats
    (b) No smoking or flares
5. Crash site security, adequate control to keep unauthorized persons from the scene
6. Traffic control, crowd control, perimeter control (keep a 2,000 foot clearance)
7. Evacuation (at least 2,000 feet upwind)

Crash Site Management:

1. Establish Command Post
2. Restrict air traffic over scene
3. Establish liaison with incident commander
4. Identify all witnesses, obtain following data:
    (a) Time of crash
    (b) Location of witnesses at time of crash
    (c) Weather at time of crash
    (d) Aircraft direction in flight
    (e) Aircraft fire in flight
    (f) Explosion prior to crash
    (g) Location of objects falling from aircraft prior to crash
    (h) Impact angle and position of survivors
    (i) Anything removed from scene and by whom
5. Deceased or injured victims may be displaced by impact. Conduct a thorough, wide search for survivors and other evidence
6. Take photographs of scene
7. Ensure all crash debris is protected, but do not disturb wreckage, evidence, deceased persons, body parts, or personal property unless advised to do so by the investigator in charge or the coroner in charge

Subsequent Situation Assessment:

1. Aircraft identification numbers, owner(s) of involved aircraft and involved structures
2. Identification of pilot(s)
3. Property damage
4. Location of deceased and known survivors

Notification:

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1. Military if applicable
2. National Transportation Safety Board
3. Federal Aviation Administration
4. All necessary fire/rescue services
5. Hospitals of potential influx of patients
6. County Coroner

323.7.8 EARTHQUAKE CHECKLIST

This checklist is intended to assist the field supervisor with the initial response to an earthquake.

Immediate Considerations:

1. Initiate a roll call of all field units
2. Initiate a check of "Critical Facilities" by field units. Checks to include:
   (a) High occupancy structures (depends on time of day)
   (b) Damage to roads, critical emergency facilities (police stations, fire stations, hospitals), refineries, dams, etc.
   (c) (Note: every jurisdiction should have a pre-established list of critical facilities)
3. Confirm that all "Critical Facilities" have been checked
4. Initiate a critical facilities log that indicates which facilities have been checked and their disposition
5. Direct field units to initiate a general area survey after completing their critical facility checks

Accurate Situation Assessment is essential in an earthquake:

A quick evaluation of the situation must be made so that:

1. Appropriate decisions can be made to coordinate response efforts.
2. Situation reports can be sent to local or regional Emergency Operations Centers (EOC) so that appropriate emergency resources can be obtained and safely deployed to the areas with the most critical need.

Specifics to Look For:

1. Utility Disruptions
2. Flooding
3. Fires
4. Haz Mat Spills or Plumes
5. Collapsed Buildings
6. Casualties (Injuries vs. Fatalities)
7. Damaged Roadways and Bridges

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Deploy Personnel To:

1. Conduct evacuations, if required
2. Assist in establishing evacuation centers and directing people to them
3. Establish ingress/egress routes for emergency vehicles
4. Maintain perimeter control to keep unauthorized people and vehicles out of the involved area (size of area depends on magnitude of the earthquake - which may be beyond your resources and require mutual aid)
5. Direct traffic around major damaged sites
6. Provide emergency information to residents of area
7. Determine operability of telephone, water, gas, electricity, public transportation, and other systems serving residents of the area
8. Assist other emergency agencies, as needed

Special Considerations:

1. Contrary to other emergencies, after an earthquake, watch commanders should consider remaining at their stations to facilitate the damage assessment process until the extent of damage and casualties is known and has been communicated to the EOC.
2. Field officers should generally not become involved in rescue operations unless such incidents are immediately life threatening and rescue can be accomplished rapidly. Officers must fulfill their primary functions of observing, estimating, and communicating the overall situation estimate. This approach will ultimately save numerous lives in a major disaster, instead of the few that each officer could personally rescue.
3. Upon establishing magnitude and scope of the disaster, begin applying the principles of ICS.
4. If a significant after-shock occurs - "START ALL OVER".

323.7.9 CIVIL DISORDER CHECKLIST

This checklist is intended to assist the Incident Commander and field supervisors with the initial response to a riot or crowd/looting situation. Law enforcement agencies should concentrate on the basic law enforcement mission of protecting life and property. This should be done in a rapid, firm, fair and impartial manner, using only the minimum force necessary to accomplish the mission.

Tactical Objectives:

1. CONTAIN: Confine the disorder to the smallest area possible
2. ISOLATE: Prevent the growth of the disorder. Cordon off the area. Deny access to those not involved
3. DISPERSE: Make arrests if appropriate
4. Establish an Incident Command Post and Staging Area

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Situation Assessment:

1. Location of Emergency
2. Number of Participants
3. Activities of Participants (e.g. looting, burning, blocking traffic, passive demonstration, etc.
4. Direction of Movement
5. Additional Law Enforcement Personnel Required
6. Access to Incident Command
7. Post/Staging Area by Responding Personnel

Initial Response:

1. Assemble Responding Personnel into Squads and Mobile Field Forces (MFF)
2. Assign a Public Information Officer to work with the Media
3. Brief Squad/MFF Leaders as soon as possible
4. Establish Tactical Missions (e.g. crowd control, traffic control, site security, etc.)
5. Request Air Support (e.g. a police helicopter for observation and assistance in coordinating tactical missions)

Liaison:

1. Establish liaison with Law Enforcement Mutual Aid Coordinator and OES

Other Considerations:

1. Know location of emergency medical services
2. Maintain an operations log
3. Determine the less than lethal and chemical agents capabilities of the squads
4. Utilize a tactical and command radio frequency
5. Use serialized flex cuffs
6. Use a video camcorder
7. Arrange for the response of a field booking team
8. Arrange for transportation of suspects from field booking area to detention facility

Helpful Hints:

1. Individual action should be avoided (e.g., maintain squad formation integrity)
2. Simple Formations (e.g., Squad Skirmish Line or Arrest Circles) need minimal explanation and/or coordination
3. Passive Demonstrators --- Don't get involved until you have sufficient personnel
4. Use standby time for scouting (gathering information and analyzing intelligence)

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After Dispersal:

1. Establish a highly visible law enforcement presence
2. Use mobile units to respond to problems (squad size is the smallest recommended maneuverable tactical element)
3. Arrange for relief and feeding of personnel

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Temporary Custody of Juveniles

324.1 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 Orange County Sheriff-Coroner Department (34 USC § 11133).

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

324.2 POLICY

Legal authority for taking custody of juvenile offenders is found in Welfare and Institutions Code § 625.

324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (Welfare & Institutions Code § 625) .

324.2.2 CHILDREN UNDER THE AGE OF 14

Whenever a child under the age of 14 is arrested, the arresting 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).

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Orange County Sheriff-Coroner Department:

1. Unconscious
2. Seriously injured
3. A known suicide risk or obviously severely emotionally disturbed
4. Significantly intoxicated except when approved by the Department Commander. 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).
5. 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 Orange County Sheriff-Coroner Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

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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).

324.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance shall be called immediately. The Department Commander shall be notified of the need for medical attention for the juvenile. [Department/Office] Members should administer first aid as applicable (15 CCR 1142).

324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

[Department/Office] 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 him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

324.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Orange County Sheriff-Coroner Department 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 Orange County Sheriff-Coroner Department without authorization of the arresting deputy's supervisor or the Department Commander. 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 his/her entry into the Orange County Sheriff-Coroner Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d)).

324.4.1 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 Orange County Sheriff-Coroner Department. 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).

324.4.2 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

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the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Orange County Sheriff-Coroner Department 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 suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

A juvenile offender suspected of committing murder or a sex offense that may subject a juvenile to criminal jurisdiction under Welfare and Institutions Code § 602(b), 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:

1. Released upon warning or citation.
2. Released to a parent or other responsible adult after processing at the [Department/ Office].
3. Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
4. Transported to his/her 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 which 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).

324.4.4 JUVENILE DETENTION ROOMS

The Orange County Sheriff Coroner Department has provided juvenile detention rooms outside of the adult jail facility. These rooms are designed for the temporary detention of juveniles meeting the criteria of secure custody. Deputies or investigators placing juveniles in secure detention rooms shall comply with the following:

1. It is the deputy's responsibility to notify the Department Commander and/or supervisor that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of six hours.

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2. Any juvenile placed in a locked detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation.
3. A written record will be maintained on a Juvenile In-Custody form. This form will include the charges for which the juvenile is being detained, the circumstances that warrant a secured detention, the time the detention began, and the time it ended (See 324.3 TEMPORARY CUSTODY (a) and (b) for routing of the form).
4. It is the responsibility of arresting personnel to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian, or the appropriate juvenile custody facility.
5. A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. The inspection should identify damage, unsafe conditions, or contraband. A second inspection shall be conducted after removing the juvenile. Any changes noted to the room shall be photographed and documented.

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Firearm Safety

325.1 PURPOSE AND SCOPE

Peace Officers are entrusted with a great amount of responsibility when it comes to the carrying and handling of a firearm. With this responsibility, comes the expectation that you as a Peace Officer shall place safety first and foremost. The purpose of this policy is to give clear direction as to the extreme care to be utilized when handling any Firearm. Although 325.2 may not be inclusive of all potential situations which may arise, safety shall always be of utmost concern of all Department Members.

325.2 SAFETY EXPECTATIONS

1. Department-issued firearms shall not be used in any formal training course or exercise that is not under the direct control and supervision of Training Division staff. The only exceptions to this are as follows:
    (a) The training is performed by the Special Weapons and Tactics (SWAT) team and only under the direct supervision of one or more team supervisors.
    (b) The training is P.O.S.T. certified and approved by the Training Division Firearms Training Unit (FTU) Sergeant. If the training teaches tactics, the FTU Sergeant may consult with a SWAT supervisor before any approval is given. Any training received shall only be applied within the confines of Department policy and procedures and aligns with the core principles set forth by the Training Division.
    (c) Training attended by members of the Training Division with the approval of the Training Division Commander.
    (d) Training attended by members of the SWAT team with approval of the Special Operations Division Commander.
2. The following are additional safety protocols that shall be adhered to:
    (a) Firearms shall not be used in any field training exercise or scenario.
    (b) Firearms shall not be unholstered, displayed, or demonstrated in any public place except as permitted in this chapter.
    (c) Firearms shall be carried in a clean, fully operable condition. Cleaning of firearms will be done in safe location, away from others, and out of the public view, unless such cleaning is under direct supervision and control of Training Division staff.
    (d) Every firearm shall at all times be treated as a loaded firearm.
    (e) Firearms shall not be carelessly handled at any time.
    (f) Firearms shall not be irresponsibly dry fired, cleaned, repaired, exhibited, loaded, or unloaded, in any place where accidental discharge could cause personal injury or death to another.
    (g) Loaded firearms shall not be pointed at any person or thing except as consistent with Policy 300 Use of Force - Displaying Firearms.

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Department Operations Center (DOC)

326.1 PURPOSE AND SCOPE

The Department Operations Center (DOC), when activated, serves as a coordination point for Orange County Sheriff's Department (OCSD) Emergency Response activities during major incidents and planned events. It provides direct support to any field level command post(s), established OCSD Incident Management Teams (IMTs), and provides situational updates to key Department Members.

326.2 DEFINITIONS

The following are definitions of terms used in this section:

1. **Department Operations Center**: Location used by the Department as a coordination point for agency resources and facilities during major incidents and planned events.
2. **Emergency Operations Center**: Facility that provides coordination for emergency response among all local governments (cities, county agencies, special districts, community organizations, etc.) within Orange County. This facility also coordinates the County's response to emergencies in its unincorporated areas.
3. **Incident Command System**: A standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.
4. **National Incident Management System**: A standardized approach to incident management developed by the Department of Homeland Security that is based on the core concepts of the Incident Command System.
5. **Standardized Emergency Management System (SEMS**): The fundamental structure of the emergency response system in California. SEMS incorporates the Incident Command System, multi-agency coordination, mutual aid, and Operational Area concepts into a single integrated approach to emergency management.

326.3 ORGANIZATION

The DOC shall follow standard organization under the Incident Command System (ICS), and can be scaled up or down based on the necessity or perceived severity of an incident or event.

The Special Operations Division Commander or designee shall designate a member of the Department to serve as the DOC Director based on the circumstances surrounding an event or incident. The DOC Director can be sworn or professional staff with the appropriate experience and training needed to perform the duties.

The DOC Director shall consider a combination of the following positions under the Incident Command System (ICS) for staffing:

1. Deputy Incident Commander (Deputy I/C)
2. Liaison Officer (LOFR)
3. Operations Section Chief (OSC)

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4. Logistics Section Chief (LSC)
5. Planning Section Chief (PSC)
6. Finance and Administration Section Chief (FSC)

326.4 ACTIVATION AUTHORITY

Activation of the DOC can be initiated for different types of incidents and planned events that may necessitate coordination and support from the DOC.

The following Department Members have the authority to activate the Department Operations Center (DOC) for incidents or pre-planned events:

1. OCSD Executive Command
2. OCSD Special Operations Division Commander
3. OCSD Department Commander
4. OCSD Mutual Aid Bureau Captain

326.5 NOTIFICATIONS

Upon DOC Activation, the DOC Director shall be responsible for making notifications regarding a DOC activation, and the estimated timeframe of the Operational Period(s) to Department Members (See Policy Manual § 358) and the Members listed below. This can be accomplished either through the Department Commander, or through the DOC Liaison Officer.

1. OCSD Special Operations Division Commander
2. OCSD Department Commander
3. OCSD Mutual Aid Bureau Captain
4. OCSD Emergency Management Division Director/ Operational Area EOC Manager
5. Control One Supervisor
6. OCSD Facility that will house the DOC (if applicable)

326.6 DOC DUTIES

The following information explains the primary responsibilities of the DOC:

1. Provide situational updates to Executive Command, Operational Area, and other mutual aid partner agencies that may impact overall Department readiness and law enforcement response capability.
2. Develop specific plans that provide emergency preparedness and response information for impending incidents/events throughout the Department.
3. Coordinate and manage the assignment of law enforcement resources to report to Incident Commands.
4. Establish and maintain agency liaison functions during incidents/events that involve the Department, County, or mutual aid agencies or resources.

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5. Serve as the central coordination point for gathering, analyzing, and disseminating emergency information or intelligence internally and externally to other agencies/ divisions, contract cities, County/OA EOC, and mutual aid partners.
6. Coordinate appropriate resource requests through the Department, for law enforcement mutual aid with Orange County municipal partners, law enforcement region 1, and state law enforcement mutual aid coordinator (LEMAC).
7. Provide extended or expanded emergency incidents with appropriate communications, and logistical support.
8. Maintain and display current and accurate incident situation and resource status information.

326.7 DOC ACTIVATION LEVELS

The Department's DOC operates on 3 general levels or phases of activation/operation:

1. Level 3 (Heightened Awareness)
   (a) Level 3 is the lowest level of activation and may require the least amount of personnel. This level requires the Department Commander to be aware of potential situations and make any required notifications outlined in documentation of the activation. This level can be as low as routine day-to-day operations or a virtual activation in which positions are designated and personnel are identified, however staffing may not be immediately required.
2. Level 2 (Modified Tactical Alert)
   (a) Level 2 is a moderate level of activation that may require a pre-determined cadre of personnel or an OCSD specific Incident Management Team (IMT) to operate. These personnel shall fill designated DOC positions based on the type of hazard. An additional IMT may be designated for shift relief if an event extends into multiple operational periods.
3. Level 1 (Tactical Alert)
   (a) Level 1 is the full activation of the OCSD Department Operations Center. This level may require a team of eight employees or an OCSD specific Incident Management Team (IMT) to operate. These personnel shall fill positions designated by the DOC Director and may require deployment to a pre-determined location of mobile command vehicle. The DOC may become the single point of ordering for all of the Department. Continued communication with the Department Commander may be necessary for level 1 activations.

These activation levels are consistent with the Standardized Emergency Management System (SEMS), the California Office of Emergency Services (CalOES), and the Orange County and Operational Area EOC activation levels derived from the County of Orange and Orange County Operational Area Emergency Operations Plan (EOP).

The level of staffing in the DOC is flexible and scalable driven by the type, size, and requested resources for individual incidents/events. The DOC Director will determine the appropriate staffing level.

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326.8 DOCUMENTATION

Activity logs for each staffed DOC position shall be required. These documents are critical and shall be given the utmost priority. Logs shall be accurately maintained for the duration of the DOC activation.

Activity logs shall be used to document all actions taken during the course of the DOC activation, and the DOC Director shall have the responsibility of ensuring this task is completed.

Documentation surrounding the DOC activation shall be maintained by the Mutual Aid Bureau, pursuant to the Department's records retention policy.

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Cite and Release Policy for Misdemeanor Non-Warrant (Street) Arrests

327.1 PURPOSE AND SCOPE

The purpose of this policy is to make deputies aware of the statutory requirements related to the handling of misdemeanor street arrests in order to facilitate the proper disposition of these cases. **This policy does not apply to misdemeanor warrant arrests**, which are governed by Penal Code § 827.1.

327.2 STATUTORY REQUIREMENTS

Penal Code § 853.6 is the operative section to determine if a misdemeanor street booking may be cited and released. It requires that, unless an exception applies, arresting officers cite and release all persons arrested for an offense "declared to be a misdemeanor" (the "declared to be a misdemeanor" language means arresting officers cannot cite and release for offenses which could be charged either as a felony or a misdemeanor).

There are statutory exceptions to the general rule that misdemeanor street arrestees are subject to cite and release. Cite and release is prohibited if:

1. The person was arrested for a misdemeanor violation of a protective order involving domestic violence as defined in subdivision (b) of Penal Code § 13700; or,
2. The person was arrested pursuant to a policy as described in Penal Code § 13701 which mandates law enforcement agencies response to domestic violence calls. (See Field Operations Manual § 55).

These prohibitions against cite and release apply unless the arresting officer determines that there is not a reasonable likelihood that the offense will continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested. (Penal Code § 853.6(a)(2).)

Cite and release is also prohibited for crimes specified in Penal Code § 1270.1, including crimes defined in each of the following: (1) paragraph (1) of subdivision (e) of Penal Code § 243; (2) Penal Code § 273.5; (3) Penal Code § 273.6 if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of, the protected party; and (4) Penal Code § 646.9. (Penal Code § 853.6(a)(3).)

As explained below in Policy327.3.2, if the arresting officer indicates on the Pre-Booking Record that any of the provisions in Penal Code § 853.6 (i) apply to the person, those are additional grounds to not cite and release.

327.3 HANDLING MISDEMEANOR STREET ARRESTS

The following procedure will be followed to comply with Penal Code § 853.6:

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327.3.1 FIELD CITATIONS

In most misdemeanor street arrests an arrestee 18 years or older shall be released on citation in the field provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the statutory exceptions or disqualifying circumstances are present (Penal Code 853.6 and Penal Code 1270.1).

Any misdemeanor arrestee who is the subject of a use of force, shall receive medical treatment in accordance with Policy 300.6 and be transported to the jail for booking or citation and release.

EXCEPTION: After the misdemeanor arrestee who is the subject of a use of force is treated by medical personnel, the Department Commander or Watch Commander may direct that the arrestee be cited and released in the field. If the use of force subject is cited and released in the field, the sergeant conducting the use of force review shall document in the Supervisory Analysis that the use of force subject was released in the field at the direction of the on duty Department Commander or Watch Commander.

327.3.2 DISQUALIFYING CIRCUMSTANCES

If one of the statutory exceptions which prohibit cite and release set forth above in Policy 327.2 does not apply, a misdemeanor street arrestee shall be cited and released unless the arresting officer determines to not cite and release because one of the following reasons applies (Penal Code § 853.6(i)):

1. The person arrested is so intoxicated that he/she could be a danger to him/herself 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 his/her own safety.
3. The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302 and 40303.
4. There are one or more outstanding arrest warrants for the person.
5. The person could not provide satisfactory evidence of personal identification.
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. An arrest warrant or failure to appear that is pending at the time of the current offense shall constitute reason to believe that the person would not appear as specified in the notice.

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10. The charges fall under Penal Code § 1270.1 (Statutory exception prohibiting cite and release for serious or violent felonies, domestic violence, etc.)
11. The person has been cited, arrested, or convicted for misdemeanor or felony theft from a store or from a vehicle in the previous six months.
12. There is probable cause to believe that the person arrested is guilty of committing organized retail theft, as defined in subdivision (a) of Section 490.4.

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 Pre-Booking Record on the back of the deputy's copy by checking one of the boxes. The deputy's copy of the Pre-Booking Record shall be submitted with the arrest report and maintained as a part of the original report. The reason for non-release should also be noted in the narrative of the arrest report.

327.3.3 JAIL RELEASE

In rare cases, it may be impractical to release a person arrested for misdemeanor offenses in the field as required by Policy 327.3.1 above. The deputy has the option to book the arrestee into the jail, to be cited and released after the booking process, only with Department Commander approval. The deputy shall articulate the reason for the request on the Pre-Booking Record on the back of the deputy's (yellow) copy. The deputy shall seek approval from the Department Commander through the field supervisor. If the Department Commander approves the booking the deputy shall indicate the name of the Department Commander that approved the request along with the date and time on the back of the Pre-Booking Record.

Any person arrested for a misdemeanor offense who has been subjected to a use of force shall be medically evaluated prior to booking in accordance with Policy 300.5. If the person is medically cleared for booking, the person shall then be booked, cited and released after the booking process in accordance with this section.

327.3.4 INSTRUCTIONS TO THE CITED PERSON

The citing deputy shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance, and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

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Prohibition on Harassment and Discrimination

328.1 PURPOSE AND SCOPE

The Orange County Sheriff's Department is committed to providing a professional and supportive work environment free from harassment, discrimination, and retaliation for participating in any protected activity. Department policy prohibits harassment and/or discrimination,against or by any individual subject to this policy, based on the following protected categories: race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic conditions), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran or military status, and reproductive health decision-making and any other characteristic protected by federal, state or local anti-discrimination laws covering employment.

This policy applies to Members, applicants, independent contractors, interns, and volunteers. Discrimination and harassing behavior can not only be personally damaging to the individual(s) involved, but can also be damaging to the workplace in terms of conflict, decreased productivity, unpleasant environment,the degradation of interpersonal relationships and overall morale.

The prohibitions in this policy also extend to locations and situations where individuals may find themselves in connection with their jobs as well as to other settings that impact the workplace, even if offsite.

The Department will implement appropriate disciplinary action, up to and including termination, for violations of this policy, even if the violation does not rise to the level of unlawful conduct.

328.2 DEFINITIONS

Discrimination is defined as unequal treatment in any aspect of employment based solely or in part on an individual's protected characteristic listed above, including their perceived protected characteristic. Discrimination also includes unequal treatment based upon a person's association with a member of these protected classes.

Examples of discrimination include, but are not limited to, hostile or demeaning behavior because of a person's protected characteristic; allowing a person's protected characteristic to be a factor in hiring, promotion, compensation, or other employment-related decisions unless otherwise permitted by applicable law; and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to a person because of their protected characteristic.

Harassment is defined as unwelcome, disrespectful, or unprofessional conduct based on any of the protected characteristics listed above.
Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical conduct (such as physically threatening another person, blocking someone's way, or making physical contact in an unwelcome manner).

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Sexual Harassment is defined as harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, or sexual orientation. It may include all the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, request(s) for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be of a sexual nature or be motivated by sexual desire. It may include situations that began as reciprocal relationships, but then later cease to be reciprocal.

Sexual harassment may generally be categorized into two types:

1. Quid Pro Quo Sexual Harassment ("this for that")

- Submission to sexual conduct (or other harassing conduct) is made explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual.

1. Hostile Work Environment Sexual Harassment

- Unwelcome conduct based on sex, gender, gender identity, gender expression, or sexual orientation by any person in the workplace that unreasonably interferes with a person's work performance and/or creates an intimidating, hostile, or otherwise offensive working environment. When unwelcome, examples include but are not limited to:
    - Sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails, or gifts.
    - Sex, gender, or sexual orientation-related comments, slurs, jokes, remarks, or epithets.
    - Leering, obscene, or vulgar gestures or making sexual gestures.
    - Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters.
    - Impeding or blocking movement, touching, or assaulting others.
    - Reprisals or threats after a negative response to sexual advances.
    - Conduct or comments consistently targeted at one gender, even if the content is not sexual.

Sexual harassment can happen regardless of the gender, gender identity, orientation, or gender expression of the individuals involved. When determining whether conduct constitutes sexual harassment, a person's intent does not excuse inappropriate conduct.

Retaliation is defined as any adverse action that materially affects the terms and conditions of a person's employment status or is reasonably likely to deter a person from making or supporting a claim of harassment or discrimination.

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Examples of retaliation include, but are not limited to, demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion due to reporting of a violation of this policy; intimidating, threatening, or harassing a person for filing a complaint; denying employment or other opportunities for making a complaint or for cooperating in an investigation; changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace; treating someone differently such as denying an accommodation or not communicating with an employee when otherwise required by job duties; or intentionally excluding the person from job-related activities because of engagement in activities protected under this policy.

328.3 REPORTING VIOLATIONS

Supervisors and/or Managers who learn of any potential violation of this policy are required to promptly report such conduct to the Professional Standards Division. Supervisors and managers have a specific responsibility to maintain a professional and respectful work environment. Failure by supervisors and managers to report such conduct is a violation of Policy and could result in disciplinary action. The Sheriff's Human Resources/Professional Standards Division ("HR/PSD") shall report violations within this policy to the County's Equal Employment Opportunity Access Office.

If you believe you are being unlawfully harassed and/or discriminated against by another person, you are encouraged to tell that person that their conduct is unwelcome and that you want it to stop. The affected individual or witness should also report the matter to any of the following: their immediate supervisor or manager, or any supervisor or manager, or the Sheriff's Human Resources/Professional Standards Division ("HR/PSD") at (714) 834-5100, or the County's Equal Employment Opportunity Access ("EEO") Office at (714) 834-5259 or by email at eeo.support@ocgov.com, or the County Compliance Line at (855) 387-4432. The Compliance Line is a hotline run by live operators 24 hours a day, 7 days a week. Complaints through this line may be made anonymously. If your immediate supervisor is the offending person, you should report the conduct to another supervisor, HR/PSD, or the EEO Office.

A person making a report does not need supervisor or manager approval to make a report and there is no chain of command when reporting violations of this policy.

328.4 INVESTIGATING COMPLAINTS

Every complaint of harassment and/or discrimination reported to the Department shall be investigated in a fair, timely, thorough, impartial, and confidential manner by qualified personnel. The investigation will reach reasonable conclusions based on the evidence collected. A Department representative will notify the complainant and respondent of the results of the Department's investigation in a timely manner.

To the extent possible, the Department will endeavor to keep reporting of the complainant's concerns confidential; however, complete confidentiality cannot be guaranteed if it interferes with the Department's ability to fulfill its obligations under this Policy or any applicable law or order. All individuals subject to this policy are required to cooperate fully with any investigation.

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This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation, and disclosing all information that may be pertinent to the investigation.

If, upon completion of the investigation, the Department determines that harassment and/or discrimination has occurred in violation of Department Policy, effective remedial action shall be taken appropriate to the circumstances. Any Member determined by the Department to be responsible for harassment and/or discrimination shall be subject to appropriate disciplinary action, up to and including termination.

To ensure all Members are aware of this policy, it shall be posted in common areas, reissued annually with the Member's performance evaluations, distributed during new Member orientations, incorporated in the Policy manual, and shall be available for copy or review at the Professional Standards Division.

328.5 PROHIBITED RETALIATION

It is prohibited to retaliate against anyone subject to this policy who reports, assists in reporting, or expresses an intent to report perceived discrimination, harassment, or other violations of this policy, or who participates in the investigation of or in proceedings related to any claim of discrimination, harassment, or other violations of this policy.

Anyone covered by this Policy who makes a good-faith allegation of potential harassment and/or discrimination can be assured that the matter will be handled with sensitivity, and the person reporting will not experience retaliation from any source, regardless of the ultimate disposition of the matter. The maintenance of an environment where Members feel comfortable bringing matters of this nature to the attention of the Department is critical.

328.6 TRAINING REQUIREMENTS

All Members must take the County's workplace harassment prevention training as assigned by the EEO Office in partnership with the Learning and Organizational Development Office. In addition, the California Civil Rights Department provides free online training courses on preventing sexual harassment in the workplace.

For additional information see:

Refer to Policy 330 – Prohibition of Abusive Conduct for prohibitions against harassing incidents or behavior not directed at or based on a person's protected characteristics.

The County of Orange Equal Employment Opportunity and Anti-Harassment Policy and Procedures approved by the Board of Supervisors.

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Issuance of Order

329.1 POLICY

Superior officers of the Department shall not issue written or verbal orders directed to Members outside of their usual command except in an unusual situation or an emergency in which such order is necessary to accomplish the objectives of the Sheriff-Coroner Department.

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Prohibition on Abusive Conduct

330.1 PURPOSE AND SCOPE

The Orange County Sheriff's Department is committed to providing a professional and supportive work environment free from abusive conduct. Department policy prohibits any Member to engage in abusive conduct towards other employees, interns, volunteers, applicants, clients, independent contractors, or members of the public. In addition, this policy extends to all locations where Department business is conducted, settings in which individuals may find themselves in connection with their jobs (such as business trips or business-related social functions), as well as other settings that impact the workplace. Violation of this policy may lead to disciplinary action, up to and including termination.

330.2 BACKGROUND

Abusive conduct, as used in this policy, includes bullying and hazing. Abusive conduct can be written, verbal, visual, or physical in nature. Abusive conduct is contrary to the Department's Core Values of integrity without compromise, service above self, and professionalism in the performance of duty. These values are guiding principles for treating others with dignity and respect in the workplace. Abusive conduct is damaging to the individuals involved and destructive to a healthy workplace in terms of causing increased conflict, decreased productivity, degradation of interpersonal relationships and diminishing overall morale. Every Member must be afforded the opportunity to be a productive and contributing member free of abusive conduct and its negative effects.

330.3 POLICY

Abusive conduct is prohibited and will not be tolerated. No Member may engage in abusive conduct. Soliciting or coercing another Member to perpetrate abusive conduct is also considered a violation of this policy.

Actual or implied consent to acts of abusive conduct does not excuse the actions of the perpetrator(s).

Retaliation for reporting abusive conduct is also strictly prohibited.

330.4 DEFINITIONS AND EXAMPLES

Abusive conduct:

Abusive conduct is defined as conduct in or in connection with the workplace that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include the use of derogatory remarks, insults, and/or epithets; verbal, or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the purposeful sabotage or undermining of a person's work performance. Abusive conduct can take many forms, and may occur in different settings, including through electronic communication or messages, also known as "cyber bullying".

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A single act may not constitute abusive conduct, unless it is severe and egregious. Abusive conduct does not include exercising reasonable and appropriate supervision or performance management of employees.

Examples of abusive conduct may include, but are not limited to:

- Spreading false information and/or rumors about another
- Persistent or egregious use of insulting, belittling, or offensive language
- Behavior, language, or gestures that frighten, humiliate, or degrade, including criticism that is delivered with yelling, screaming, threats, or insults
- Encouraging others to act, singly or in a group, to intimidate or harass other individuals
- Repeated inappropriate comments about a person's appearance, lifestyle, or family
- Regularly making someone the target of pranks or practical jokes
- Inappropriately interfering with a person's property or work equipment
- Circulating without permission inappropriate photos, videos, or information via e-mail, social media, or other means
- Making unwanted physical contact in a way that would cause discomfort and unease (and does not constitute sexual harassment subject to the County's EEO Policy and Department Policy 328)
- Repeatedly calling someone a humiliating nickname

Bullying:

Bullying is defined as conduct whereby any Department member, without proper authority or for no legitimate business purpose, causes a Member to suffer or be exposed to any activity that is cruel, abusive, unreasonable, humiliating, oppressive, threatening, demeaning, or harmful.

Hazing:

Hazing is defined as conduct whereby a Department member, without proper authority or for no legitimate business purpose, causes a Member to suffer or be exposed to any activity that is cruel, abusive, unreasonable, humiliating, oppressive, threatening, demeaning, or harmful for the purpose of initiation into, admission into, affiliation with, change in status or position within, or a condition for continued employment with, the Department, a team, or assignment.

Examples of bullying and hazing may include, but are not limited to, the following:

- Forcing, compelling, coercing, or forcefully pressuring another to:
    - Wear clothing or gear that deviates from the Department-issued uniform or clothing customary to a particular work-related setting.

        Telling trainees to wear: white undershirts when black ones are customarily worn, or a wool Class A or B uniform when a tactical uniform is typically called for, or academy dress shoes when standard black duty boots are usually worn.
    - Use their own private funds to arbitrarily and gratuitously supply food, drinks, or other goods to more senior Members
- Any form of initiation or rite of passage that involves unwanted physical contact

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• Abusive or mean-spirited tricks intended to ridicule, humiliate, or ostracize
• Written, verbal, visual, or physical harassment or abuse
• Derogatory remarks, insults, and epithets
• Taunting or berating of another for the purpose of belittling or humiliating
• Intentionally damaging another person's property
• Threats of violence or bodily harm to another
• Encouraging another person to engage in illegal, harmful, demeaning, or dangerous acts
• Prohibiting a Member, for no legitimate reason, from using a facility or resource that is open and readily available to other personnel, such as facility gyms, breakrooms, and/or locker rooms
• Forcing, insisting, or requiring, without a supervisor's approval and/or for no legitimate business purpose, that a Member perform all or a majority of shift duties that are expected to be or are customarily shared by all assigned shift personnel

Retaliation:
Retaliation is defined as taking any adverse action against an employee for engaging in a protected activity. Protected activity includes an employee's reporting of, assisting with the reporting of, or intent to report abusive conduct. It also includes an employee's participation in an investigation into or in proceedings related to a claim of abusive conduct.

330.5 DISCRIMINATION AND HARASSMENT BASED ON PROTECTED CHARACTERISTICS

Abusive conduct that is directed at or based on a person's protected characteristics may also violate Department Policy 328 – Prohibition on Harassment and Discrimination and the County's EEO Anti-Harassment and Discrimination Policy, which prohibits such harassment and discrimination.

330.6 REPORTING VIOLATIONS

Anyone who experiences or witnesses behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior.

The affected person or witness should also immediately report the alleged violation to any of the following:
• Their supervisor or manager or any other supervisor or manager; or
• Any Professional Standards Division (PSD) Human Resources (HR) team member

If the alleged offender is the person's supervisor or manager, they should report the conduct to another supervisor or manager, or to a PSD HR team member. A person making a report does not need supervisor or manager approval to contact any other supervisor, manager, or Sheriff's Human Resources/Professional Standards Division at 714-834-5100. There is no chain of command when reporting violations of this policy.

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Prohibition on Abusive Conduct

For additional information, see the County of Orange Abusive Conduct Prevention Policy.

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Sheriff's Response Team (SRT)

331.1 PURPOSE AND SCOPE

The Sheriff's Response Team consists of a core group of trained personnel that can be mobilized quickly and are able to respond to a variety of emergencies and disasters in support of primary civil authorities. The SRT is an ancillary duty managed by the Mutual Aid Bureau under the command of the Special Operations Division.

SRT is an experienced and well-disciplined force, specifically trained to address crowd management and deal with large congregations that can deteriorate into an unlawful assembly or civil unrest. The team operates within the Incident Command System (ICS) under the Operations Section as a Strike Team that can be assigned as a law enforcement resource.

331.2 CAPABILITIES

The SRT consists of three (3) platoons separated into ten (10) squads. Platoons 1, 2 and 4 are each comprised of four (4) squads. These platoons consist of 3 Lieutenants or Captains, 12 Sergeants, and 52 full time Deputies. Platoon 3 is comprised of two (2) squads of Reserve Deputies. The minimal deployed staffing for Platoons 1, 2 and 4 will be one Lieutenant or Captain, one Sergeant, and four squads of 11 SRT members, unless authorized by the SRT Captain or designee. Platoon 3 can deploy with 2 squads in support of another platoon with a fulltime sworn Sergeant.

The SRT unit is also comprised of personnel trained in Field Force Extrication (FFE). Equipment and tools needed for FFE activity is maintained by the Mutual Aid Bureau. FFE equipment is stored in a manner for quick deployment and delivery.

The SRT unit is also comprised of personnel trained in the deployment of less lethal weapon systems. These members are known as Grenadiers. Grenadiers are authorized to carry and use less lethal weapons during an SRT activation in accordance with Policies 300 Use of Force and 384 Less Lethal.

331.3 DEFINITIONS

The following are definitions of terms used in this section:

Incident Commander (IC): The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and the release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

Unified Command (UC): An ICS application used when more than one agency has incident jurisdiction or when incidents cross political jurisdictions.

Incident Command Post (ICP): The field location at which the primary tactical-level, on-scene incident command functions are performed. The ICP may be co-located with the incident base or other incident facilities.

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Incident Action Plan (IAP): A written plan containing general objectives reflecting the overall strategy for managing an incident. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods.

Event Action Plan (EAP): A written plan containing general objectives reflecting the overall strategy for managing a planned event for a single or set number of operational periods. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the event should it extend into additional operational periods.

Incident Command System (ICS): A standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.

Strike Team (ST): A set number of resources of the same kind and type that have an established minimum number of personnel, common communications, and a leader. In the law enforcement community, strike teams are sometimes referred to as resource teams.

Staging Area: A temporary location for available resources in which personnel, supplies, and equipment await operational assignment.

Check-In: The process through which resources first report to an incident. All responders, regardless of agency affiliation, report in to receive an assignment in accordance with the Incident Commander or Unified Command's established procedures.

Grenadier: Personnel trained in deployment of less lethal munitions during an SRT activation. Grenadiers are assigned to individual squads and are authorized to carry less lethal munitions (PepperBall launcher, less lethal shotgun, 40mm launcher, and etc.) during a SRT activation.

Squad Leader: SRT member assigned the direction and control of an individual squad. The squad leader is responsible for the tactics in completing an assigned mission. Squad leaders will ensure SRT documentation is complete after an activation. A supervisor will staff the position unless authorized by the SRT Captain or designee.

Squad: Group of SRT members who work as a unit to accomplish an assigned mission. A squad may consist of 10-16 members.

Platoon: A group of squads, usually four (4), that work under the direction and control of a platoon Lieutenant or Captain to accomplish assigned missions.

331.4 ORGANIZATION

The SRT command structure is comprised of an Incident Management Team (IMT), which includes the Mutual Aid Bureau Captain and Special Enforcement Bureau Captain under the direction of the Special Operations Division Commander. The SRT IMT will not replace any Incident Command structure already in place during an activation and will function in support of the SRT platoons only.

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The Mutual Aid Captain is the SRT Captain and is responsible for the overall readiness of the SRT program. The SRT Coordinator, Mutual Aid Sergeant, is responsible for the day-to-day operational needs, staffing, and training of the SRT platoons. SRT eligibility and selection will be the responsibility of the Mutual Aid Bureau.

331.5 REQUEST FOR USE OF SRT

Activation of the SRT can be initiated for different types of incidents and planned events that may necessitate coordination and support from the lead jurisdiction. A request for the SRT can be made from an Incident Commander, Commander, or OCSD Executive Command.

The SRT can be requested through the Department Commander, 24 hours a day. The opportunity for safe and successful mitigation of a major incident may be enhanced with a timely request. The SRT may be requested for planned events that have the potential to evolve into civil unrest or riot.

The SRT may be activated to respond to a variety of incidents, including but not limited to:

- Civil unrest
- Force protection
- Dignitary protection
- Mobile Field Force (MFF)
- Custody facility emergencies
- Critical infrastructure protection

SRT can provide additional personnel for:

- Searches
- Perimeters
- Evacuations
- Crime scene security

331.6 NOTIFICATIONS

Upon request for the SRT, the Department Commander will contact the SRT Captain or designee. For pre-planned events, a Chief of Police Services or designee may contact the Mutual Aid Bureau Captain directly. The SRT Captain or designee will be informed of incident specific information regarding the nature of the incident, location of the Incident Command Post, resources involved, current incident status, and any mission critical information. Based on the situational analysis, the SRT Captain or designee will evaluate the appropriateness of an SRT response/activation, determine the type/amount of personnel required, and notify the Special Operations Division Commander.

Should an SRT response be appropriate, Mutual Aid staff can activate the Everbridge system to notify members of the SRT activation. Mutual Aid staff has the ability to activate the Everbridge

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system remotely. SRT members will be informed to respond to the incident Staging Area for Check-in and assignment.

Major Incident Notifications will continue to be made by the Department Commander per Policy 358.

331.7 SRT RESPONSIBILITIES

The following explains the main responsibilities of the SRT.

- Support the department's mission and other local law enforcement agencies in the Operational Area with tactical response to critical incidents and emergency situations in a manner that reduces the likelihood for violence and disorder (Fires, Floods, Mudslides, Civil Unrest, etc.).
- Be prepared for significant events (Protests, Political Rallies, Natural Disasters, etc.).
- Provide a Law Enforcement Mutual Aid response to major incidents outside the Operational Area (Fires, Floods, Mudslides, Civil Unrest, etc.).
- Deploy rapidly.
- Produce a peaceful resolution to the given situation.
- Respond to spontaneous or pre-planned event.

331.8 SRT TRAINING SCHEDULE

The Special Operations Division's Mutual Aid Bureau is responsible for the design, coordination, and scheduling of SRT training. SRT training exercises will be conducted on a quarterly basis. All quarterly training is considered mandatory. Divisions with personnel assigned as SRT members must allow those staff members to attend training unless authorized by the SRT Captain or designee.

331.9 SRT TRAINING COURSES

Prerequisites:

- Basic Mobile Field Force
- ICS-100 Introduction to Incident Command System (online)
- ICS-200 ICS for Single Resources and Initial Action Incidents (online)
- IS-700 National Incident Management System (NIMS): An Introduction (online)
- IS-800 National Response Framework, An Introduction (online)

Suggested Training (Deputy):

- Advanced Mobile Field Force
- FFO/PER-200: Field Force Operations
- Less Lethal Weapons

Suggested Training (Sergeant):

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- ICS-300 Intermediate ICS for Expanding Incidents (in-person)
- ICS-400 Advanced ICS (in-person)
- USFA O-305: Type 3 All-Hazard Incident Management Team
- EOC Responder
- Less Lethal Weapons

Additional Training Courses (Deputy):

FFE/PER-202: Field Force Extrication Tactics

Basic/Intermediate Terrorism Liaison Officer

Bicycle Patrol

MACTAC

Additional Training Courses (Supervisors):

FFE/PER-202: Field Force Extrication Tactics

IC/MGT-360: Incident Command Capabilities, Planning, and Response Actions for All Hazards

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Member Involved Death or Serious Injury

333.1 GENERAL

It is the policy of this office to immediately refer to the Orange County District Attorney's Office, all cases wherein the conduct of a Member of this Department is related to the death or serious injury which may result in the death of an individual or where the deceased or seriously injured was in the custody of this Department at a time related to the death or serious injury.

333.1.1 MOTOR VEHICLE

In cases where the death or serious injury is related to the operation of a motor vehicle, the California Highway Patrol or the designated law/traffic enforcement agency shall also be called for the purpose of conducting the on scene investigation.

333.1.2 AUTOPSY

Upon request of the District Attorney, the Sheriff Coroner shall permit any necessary autopsy to be performed by a pathologist under contract to the District Attorney. Duplicate tissue samples, slides, specimens, reports, and other items of evidence shall be released as permitted by law for examination and/or testing by independent experts when requested by the District Attorney.

333.1.3 DISTRICT ATTORNEY

The District Attorney shall be requested to monitor the Coroner's inquiry into the medical cause of death in such cases as directed by the Orange County Board of Supervisors.

333.1.4 COOPERATION

This Department shall provide assistance in all referred cases as requested by the District Attorney.

333.1.5 MEMBER RESPONSIBILITY

In the event of an on or off duty incident described in the above policy statement, any Department Member having knowledge of the incident shall immediately notify their supervisor and the Department Commander.

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FLSA Employee Notice and Acknowledgement

335.1 NOTICE

The purpose of this Notice is to remind all Members - line, supervisory, and management - of their obligation to comply with the Department's overtime policy. The Department requires that all eligible Members receive overtime compensation for any legitimate overtime hours worked. Below are detailed rules to ensure compliance with this policy. Failure to follow the overtime policy is misconduct.

Any knowing violation of these rules by any Member, regardless of rank, title or position, shall be immediately investigated and, if sustained, shall be considered misconduct and may result in discipline. Any Member who becomes aware of a violation of these rules shall promptly report it through their chain of command, bypassing the source (individual) of the problem or to the Professional Standards Division. Anyone who believes that they are being pressured or coerced to work overtime without compensation shall report it to his/her chain of command bypassing the source (individual) of the problem or the Professional Standards Division. Supervisors and managers shall not discourage or intimidate Members from submitting overtime requests that are mandated by law and/or Department policy.

Members are strongly encouraged to contact the Professional Standards Division with any questions about this Notice or the Department's overtime policy.

335.2 RESPONSIBILITIES

335.2.1 MEMBER'S RESPONSIBILITIES

1. No work may be done outside the Member's scheduled work hours unless approved in advance by his/her immediate supervisor. Court appearances and emergency situations requiring immediate law enforcement intervention or other immediate response are exceptions. In these critical situations, the Member shall notify a supervisor of his/her overtime status as soon as the incident or situation allows the Member to do so, but in no event later than the end of the Member's scheduled work shift for that day.
2. The Member shall not perform Department duties outside his/her scheduled work hours without reporting overtime worked on his/her timecard. Department policy is that all legitimate overtime shall be compensated. The Department does not permit Members to work overtime without compensation.
    (a) Note: The Department has no "unwritten" rule or policy that Members should work overtime without compensation.
3. Members shall take their meal periods during their work shift and are required to properly document this time. In the event a Member is unable to take a meal break, they are required to report their inability to take a meal break to a supervisor before the end of their shift.

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4. To account for all hours (or fractions of hours) worked by all Members, all time worked shall be documented on the Member's timecard, even if the time was not pre-approved. The timecard entries shall include the Member's ability or inability to take a meal break. Further, Members who submit daily logs or other documentation of their daily activity shall ensure that the reports accurately document both their meal break and their duty time in conjunction with their respective timecards. Members who are not released for a free-time meal period must contact a supervisor before the end of their shift and record their overtime if the supervisor is unable to provide them with a free-time meal period. Moreover, Members are required to use the correct overtime code when documenting their overtime. Failure to request overtime compensation for any overtime worked, whether pre-approved or not, is a violation of Department policy.
    (a) Note: The Department has no "unwritten" rule or policy that Members cannot request overtime for 15 minutes or less. If the Member worked the overtime, even for one-tenth of an hour, then the Member is required to document the overtime.
5. Under no circumstances may a Member who is eligible to receive overtime compensation maintain overtime hours in an informal manner that is inconsistent with established Department policies and procedures.

335.2.2 SUPERVISOR'S RESPONSIBILITIES

1. Supervisors must ensure that a subordinate is compensated for all legitimately worked overtime, whether pre-approved or not. If a Member violates the Department's overtime policy or procedures, a supervisor shall ensure that the Member signs in or reports the overtime and the supervisor shall counsel (or when appropriate initiate disciplinary actions against) the Member. All violations of the Department's overtime policy shall be documented.
2. In an effort to ensure that Members comply with Department policy regarding overtime, supervisors shall:
    (a) Monitor Members to make sure they are not working outside their scheduled work hours without compensation and;
    (b) Review timecards for completion and accuracy. If a timecard is missing a meal break notation, determine if the Member worked through his/her unpaid meal break.
3. If a watch commander or supervisor believes he or she needs to report to work early to prepare for roll call or other duties, he/she shall obtain prior approval from his/her immediate supervisor. If a watch commander or supervisor receives approval to report early for a shift, his/her work hours should be adjusted, if possible, so that they remain consistent with his or her total number of scheduled work hours, barring exigent circumstances.
4. It is a violation of Department policy to unnecessarily inhibit by action, statement, or other means any Member's legitimate submission of a report of lawfully earned overtime. If a Member worked the overtime, then the Member is required to submit for the overtime.

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5. No supervisor shall request or permit an Member to maintain overtime hours in an informal manner that is inconsistent with established Department policies and procedures.

335.2.3 SUPERVISING OFFICER AND MANAGER'S RESPONSIBILITY

1. Supervising officers and Managers shall ensure that Members adhere to the procedures outlined in this Notice. Supervising officers shall ensure that all violations of the Department's overtime policy are promptly documented and investigated and take appropriate action.

335.3 ACKNOWLEDGEMENT

I have read and understand this Notice. I agree to comply with the rules set forth in the Notice. I understand that any knowing violation of the Department overtime policy is misconduct and will subject me to disciplinary action.

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Electronic Communications Policy

336.1 INTRODUCTION

With the spread of telecommunications throughout the modern work place, the Department recognizes that Members shall shift the ways they share ideas, transmit information and contact others. As Members are connected to outside resources via the Internet, their use of new tools and systems brings new responsibilities as well as opportunities.

The "Internet" or "The Net" is not a single network; rather, it is a group of thousands of individual networks, which have chosen to allow traffic to pass among them. The traffic sent out to the Internet may actually traverse several different networks before it reaches its destination. Therefore, users involved in this internetworking must be aware of the load placed on other participating networks.

As a user of the network, you may be allowed to access other networks and/or the computer systems attached to those networks. Each network or system has its own set of policies and procedures. Actions, which are routinely allowed on one network system, may be controlled, or even forbidden, on others. It is the user responsibility to abide by the policies and procedures of these other networks.

This policy covers official dissemination tools such as Electronic mail, Gopher, World Wide Web, FTP, LOCIS, WAIS, and the establishment and management of electronic discussion groups (Listservs and USENET Newsgroups).

This policy is interpreted through the following guidelines.

336.2 USE OF THE INTERNET BY SHERIFF-CORONER'S DEPARTMENT STAFF

The Internet provides access to a wide variety of information resources that can aid Department Members in the performance of their jobs. Examples of job-related use of the Internet at the Department include, but are not limited to: accessing external databases and files to obtain reference information or conduct research; corresponding with other municipal Members, including those outside of Orange County; communicating with fellow committee members in professional organizations; collaborating on articles and other writing; connecting to resources that provide information related to Department functions.

- **GUIDELINE #1:** Department Members may use the Internet for reasonable exploration and sharpening of skills in accordance with the conditions governing access to their work areas.

Members may use the Internet during work hours to enhance their knowledge of electronic information resources and sharpen information technology skills. Internet use provides cost-effective self-training opportunities. By encouraging reasonable exploration of the Internet at work, the Department builds a pool of Internet-literate Members who can guide and encourage other Members in using the Internet. (It shall be eachcommander's responsibility to define "reasonable exploration" for their respective division).

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- **GUIDELINE #2:** Department Members must conform to the detailed "Standards of Conduct" which set out specific rules of etiquette for each of the available Internet vehicles.

OCSD Members have an obligation to learn about network etiquette (netiquette), customs and courtesies. Accepted procedures and guidelines should be followed when using electronic mail communications, participating in electronic mail discussion groups, using remote computer server, transferring files from other computers or disseminating information to others on the Internet. Members also have an obligation to be aware of computer security and privacy concerns and to guard against computer viruses.

- **GUIDELINE #3:** Use of the Internet by Department Members is a privilege, not a right, and may be revoked at any time for inappropriate conduct. All Department Members are responsible for complying with the policies, guidelines, and standards of conduct contained in this document. Violations may result in a revocation of Internet access privileges and other applicable penalties.

336.3 STANDARDS OF CONDUCT

In General:

Department Members have an obligation to use their access to the Internet in a responsible and informed way, conforming to network etiquette, customs, and courtesies. Use of the Internet encompasses many different interconnected networks and computer systems. Many of these systems are provided free of charge by universities, public service organizations, and commercial companies. Each system has its own rules and limitations and guests on these systems have an obligation to learn and abide by the rules.

Users should identify themselves properly when using any Internet service. They should also be careful about how they represent themselves, given that what they say or do could be interpreted as Department opinion or policy. Users should be aware that their conduct could reflect on the reputation of the Department and its Members.

As noted in Guideline #3, Policy 343.2, use of the Internet is a privilege, which may be revoked at any time for inappropriate conduct. The user is ultimately responsible for his/her actions in accessing network services.

Examples of inappropriate conduct include but are not limited to:

1. Use of the Internet for unlawful activities
2. Use of abusive or objectionable language in either public or private messages
3. Viewing or sending obscene material
4. Misrepresentation of oneself or the Department
5. Sending chain letters
6. Using official dissemination tools to distribute personal information
7. Harassment in any form, including the persistent annoyance of others or interference in others work, including the sending of unwanted mail

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8. Other activities that could cause congestion and disruption of networks and systems
9. Sharing of jokes

336.4 APPROPRIATE USE: INTERNET ELECTRONIC MAIL AND FILE STORAGE AREAS

1. Whenever you send electronic mail, your e-mail address is included in each mail message. You are responsible for all electronic mail originating from your userID. Use caution when revealing your address, credit card numbers, or phone number or those of others.
2. Attempts to read, delete, copy, or modify the electronic mail of other users are prohibited.
3. The content and maintenance of a user's electronic mailbox and shared file storage areas are the user's responsibility.
4. Check your electronic mail daily.
5. Be aware that electronic mail is not private communication because others may be able to read or access mail. Electronic mail may best be regarded as a postcard rather than as a sealed letter.
6. Delete unwanted messages or files immediately because they take up disk storage space.
7. Keep messages stored in electronic mailboxes to a minimum.
8. Use capitalization sparingly. Capitalizing long portions of a communication is considered SHOUTING! Use *Asterisks* or _ underscores _ for emphasis.
9. Transfer to disks for future reference any messages or files to be saved.
10. It is the responsibility of the user to scan any downloaded files for viruses

336.5 APPROPRIATE USE: ELECTRONIC DISCUSSION GROUPS

Members who participate in electronic discussion groups (listservs, Usenet newsgroups, etc.) should learn and abide by the rules and etiquette of those groups. Some general guidelines are:

1. When not officially representing the Department, if the message could be perceived as Department business or opinion, add a disclaimer to the message. An example of a disclaimer is:
   (a) "The opinions expressed here are my own and do not necessarily represent those of the Sheriff-Coroners Department."
2. Keep messages short and to the point. Generally, limit messages to one subject.
3. Act in a professional and courteous manner. Avoid gossip and remember that statements about others may find there way back to them. Be patient with new users. Be clear and concise. Re-read messages before sending them to be sure that they will not be misunderstood. Read all messages carefully before responding.
4. Be aware of the potential audience in any discussion group and address them accordingly.

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5. Be careful when using sarcasm and humor. Identify intended humor with standard statements (e.g., "only joking folks" or with symbols (e.g.,-) smiley face.
6. Limit line length to fewer than 80 characters, because many systems cannot display longer lines.

336.6 APPROPRIATE USE: TELNET (USING REMOTE COMPUTERS)

When using TELNET to access remote computer systems, users should remember that they are guests on another institution's machine. To help ensure that other Internet users have access to the same information in a timely manner, remote users should observe a few basic courtesies:

1. Logoff a remote computer system when finished. Maintaining a connection that is not actively being used may prevent others from connecting to that system.
2. Read or obtain instructions or documentation files when using a system for the first time.
3. Be aware of time and resource limitations of remote systems. Adhere to any stated restrictions.

336.7 APPROPRIATE USE: FTP (FILE TRANSFER PROTOCOL)

When using FTP, users are guests on other systems. To ensure that other Internet users have access to the information, a few basic guidelines should be followed:

1. Login as anonymous and respond to the PASSWORD prompt with your electronic mail address, unless the system specifies otherwise. (If your e-mail address causes an error, enter GUEST for the password). Logoff the remote computer system when finished.
2. Avoid transferring files during peak business hours for the remote system, whenever possible.
3. Respect copyright and licensing agreements of transferred files.
4. It is the responsibility of the user to scan any downloaded files.

336.8 APPROPRIATE USE: PROVIDING ELECTRONIC INFORMATION

To ensure that information is disseminated properly, Members should observe a few basic guidelines:

1. Obtain the appropriate approvals, prior to placing any information on the Internet.
2. Restrict information that should only be available to Department Members.
3. Make every attempt to ensure that the information being provided is accurate and is kept up to date.
4. Never use official dissemination tools to distribute personal information.

336.9 SHERIFF-CORONER'S DATA NETWORK (SDN)

The Sheriff-Coroner's Data Network (SDN) is under the administration of the Technology Division.

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The Sheriff's Data Network is a high-speed network connecting all Department facilities, participating Orange County municipal police Departments and other state and federal law enforcement agencies. The SDN provides connectivity between desktop computers throughout the Department, as well as connection to other networks such as the Internet, C.L.E.T.S and the Statewide Integrated Narcotics System. The SDN currently provides access to a wide range of applications, such as AJS, LARS, AWSS, ACS, ROS, Cal Gangs (formerly GREAT) and the Department's Intranet Server. For an up-to-date list of applications available on the Sheriff's Data Network, contact the Technology Division help-desk.

336.10 ELECTRONIC COMMUNICATIONS

The following sections of the Department's Manual of Policy and Procedures set forth the Department policies for electronic communications including activity involving the Internet, Sheriff's Data Network, DOJ Data Interface Controller, local area networks, individual personal computers, and access to data stored in local, state and federal computer systems. Electronic mail and faxes, which are transmitted over both the Internet and Sheriff's Data Network, are subject to all provisions of this policy. The Technology Division is responsible for the administration of electronic communications via the Internet, Sheriff's Data Network and Orange County Intranet.

1. SHERIFF-CORONER'S LOCAL AREA NETWORKS

    (a) OCSD LANs are defined as Information Resources (PCs, Printers etc.) interconnected for the purpose of sharing the resources and information within an isolated facility in accordance to OCSD I/S standards.

2. B. SHERIFF-CORONER'S WIDE-AREA-NETWORK

    (a) Group of LANs interconnected for the purpose of sharing resources and information with other OCSD Commands and External networks in accordance to OCSD I/S standards and security policies.

336.11 DEPARTMENT STANDARDS FOR HARDWARE AND O.S.

The Technology Division is responsible for selecting and purchasing the standard desktop software suite for all Department computers on the Wide-Area-Network and for administration of the software on computers connected to the Sheriff's Data Network.

The standard desktop productivity software for the Department's Wide-Area-Network is Microsoft Outlook for electronic mail and calendar, Microsoft Internet Explorer for Internet and the MS Office Suite for word processing, spreadsheet and presentation. All Department Members shall use the Department's selected desktop software unless critical functionality is not available through the application. Specialized software needs shall be assessed on an individual basis and not withstanding technical conflicts installed with Commander approval. The Technology Division purchases, maintains, and installs desktop software for all Department WAN computers.

1. INSTALLING LICENSED SOFTWARE

    (a) Members are prohibited from installing or maintaining unlicensed software on any Department computer. Members who wish to install licensed software on a Department computer must have authorization from their unit commander and

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the Technology Division. The software installation and record of the installation will be the responsibility of the Technology Division. A copy of the software license must be provided to the Technology Division prior to the installation.

2. BACKING UP FILES

   (a) It is strongly recommended that users store important data files in their personal folder in the unit file server. These files shall be "backed up" daily to prevent loss of information. They cannot be accessed by other users and offer the highest degree of individual security. Any files stored on the local drive ("C" drive) of the computer are not secure against access by other users and will not be backed up to prevent loss of information. During routine maintenance computers may be replaced or hard drives erased without notice to the user. Data contained on the local drive ("C" drive) of these machines/hard drives may be lost to the user.

Members shall be allocated space for the storage of their files in the personal folder on the server, however, Members are encouraged to delete or archive personal, unused or obsolete data stored in Department computers (local hard drive or assigned space on server) as soon as practical. When maximum storage capacity is reached, Members shall be advised to remove files.

336.12 PERMISSIBLE USE

The use of any Department computer resource is restricted to those activities related to Department business. Use of computers and electronic communications by Members is authorized in support of the law enforcement mission of the Department and the administrative functions that support that mission. Department Members and other authorized users shall adhere to this policy as well as the guidelines set forth in the county Electronic Data Communications and Intranet/Internet Policies.

Members are expected to abide by the standards of conduct delineated in other volumes, chapters and sections of the Department's Manual of Policy and Procedures as they may be applied to the use of electronic communications and use and release of information.

336.13 AUTHORIZED PERSONS

Access to computers, networks, and electronic communications on behalf of the Department is limited to Department Members, reserves, volunteers, county Members, and expanded SDN participating police agency Members, contractors, subcontractors, and their Members conducting Department business. Hereafter in this policy, authorized persons shall be referred to as Member(s). Unauthorized persons, including inmates, shall not be permitted to access or otherwise utilize computers or network equipment under the direction or permission of a Member.

336.14 SYSTEM USE

Members are expected to use electronic communications and network systems with a high degree of professional and personal courtesy. Members must ensure that the tone and content of electronic communications are businesslike and exclude inflammatory remarks or inappropriate language.

1. ELECTRONIC MAIL

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(a) Although e-mail senders have no rights of privacy, Members should respect the privacy of E-mail delivered to them. Members shall not forward or otherwise disclose the contents of electronic messages with the intent to embarrass or otherwise harm the sender. If it is an issue that could cause embarrassment, it does not belong on e-mail. This does not prohibit the receiver of e-mail from divulging the contents of electronic communications messages to a Member's supervisor or to Department management.

(b) Members who receive an electronic communication intended for another person shall attempt to notify the sender as soon as possible of the error.

(c) Members who are authorized users of e-mail are responsible for reading their electronic mail as frequently as possible, or notify their supervisor that they are unable to read e-mail.

2. LOGGING OFF

(a) To enhance security and ensure that shared computers are available to all Members, users shall logoff their computer when away from their workstation and at the end of the work shift.

(b) All computers connected to the Sheriff-Coroner's Data Network must remain "on," at all times after hours in order to provide after-hours maintenance. After hours or when a Member is away from his or her computer it must be "logged off" but remain turned on.

3. PROHIBITED DEVICES

(a) All dial-up connections, modem connections, and electronic communication devices are prohibited on the Sheriff's Wide-Area-Network. Stand-alone machines not connected to WAN may have dial-up or other connections with Commander approval and Technology Division review.

(b) The Technology Division will ensure that all requests for any of the above connections are reviewed by knowledgeable staff. The purpose of the review will be to evaluate the risk and potential for illegal access to Departmental systems, stored records, and confidential information. These findings will be reported to the requesting Commander so that an informed decision can be made.

4. GUIDELINES

(a) Department Members who use any computer/modem connection provided by the Department shall adhere to the following guidelines:

(a) Only those persons authorized by the appropriate Commander/Director shall utilize Department dial-up computer connections.

(b) Authorized users of Department computer dial-up connections shall only use those connections for Department business.

(c) Use of dial-up connections for other than Departmental business shall be subject to disciplinary action.

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Nothing in this section is to be constructed as prohibiting lawful criminal investigation on the Internet or research related to such investigations nor is it intended to prohibit research beneficial to the Orange County Sheriff-Coroner's Department or the County of Orange.

336.15 PRIVACY

Department Members and other authorized users should not have any expectation of privacy when using computer and network systems. All electronic files and e-mail in Department systems are considered the property of the Department and may be accessed at any time by authorized supervisory/management personnel without the Member's permission or notification.

The Department reserves the right to engage in monitoring electronic communications such as e-mail, faxes, computer files, and networks, including the inspection of files created by Members and stored in Department systems, to ensure that the public resources are appropriately used for county related business, including audits and Member supervision.

Department Members who are authorized to access to the Internet World Wide Web shall be monitored to ensure that Internet access is used for Department business. Internet addresses accessed by each user shall be electronically monitored, summarized and forwarded to the Member's Commander when suspect traffic to Internet sites is found.

The Technology Division network administrators may view the contents of electronic messages and files during the administration of the network computers.

Electronic communications and data may be subject to disclosure to third parties in response to the "Public Records Act" or other lawful court orders.

336.16 CONFIDENTIALITY

The Department cannot control the final disposition of electronic communications once they have been delivered. Members should be cautioned that any electronic message might be forwarded or printed without the sender's knowledge.

Department Members should be aware that e-mail could be illegally intercepted enroute to its destination. No confidential communications shall be made via e-mail unless encrypted with encryption software approved by appropriate the Technology Division staff.

336.17 SECURITY

Only Department Members or other persons authorized by the Technology Division may access the Sheriff's Data Network. Those authorized shall be assigned a logon identification code (i.e., USERID or ID). Only the authorized owner of the ID is permitted to use the ID. Those assigned an ID shall be required to select a password. Members shall not disclose their computer passwords to another person, except as required under this policy. Members are responsible to keep their passwords secret and to change them if compromised. Any electronic communications sent using an Member's USERID and password is prima facie evidence the Member assigned the USERID and password generated the communications. In other words, if your username and ID appears, it is assumed you forwarded the message so do not give anyone your user name or password.

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1. USERID

    (a) Members shall not share common USERID and passwords for any computer system, except as required for training. Any person who has knowledge of individuals who are sharing common USERID and passwords shall immediately notify their unit supervisor. Members shall have only one network, e-mail, and fax account. Only the Technology Division shall establish user network, electronic mail, fax, Internet, and remote access accounts.

2. PASSWORDS

    (a) The password selected by Members shall not contain their first name, middle name, last name, or Member number. Passwords must be six characters with at least one non-alphabetic character. Members cannot reuse the most recently used passwords.

        1. The network shall permit only five (5) attempts of a person's USERID and password before locking out network access.

    (b) Members shall report to their immediate supervisor, in writing, any violations of electronic communications policy as set forth in the Manual of Policy and Procedures.

336.18 APPROVED ACCESS

Members are required to keep the personal information section (properties) of the Outlook (e-mail) address book up-to-date. This includes title, work address, unit of assignment, work location, work phone number, and fax number. Optional items include mobile phone number and pager number.

Department Members may have access to the Internet World Wide Web, subject to the approval of their Commander.

Various levels of system access shall be granted on an as needed basis determined by Commanders.

Individuals needing access to the files of another, when the Member is unavailable, must obtain approval from the concerned Member's supervisor or unit commander. Upon authorization, the Technology Division shall provide and record the access given.

336.19 PROHIBITIONS

Members shall not add, alter, copy, damage, delete, move, modify, tamper with, or otherwise use or affect any data or software, computer, computer system, or computer network in order to either:

1. Devise or exclude any scheme or artifice to defraud, deceive, destroy or extort, wrongfully control, or obtain money, property or data.
2. Disrupt or cause the disruption of computer or network services or deny or cause the denial of computer or network services to an authorized user of a Department computer, computer system, or computer network.
3. Assist in providing access to unauthorized persons to any data, software, programs, and computer system or computer network.

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Unless specifically authorized by the Technology Division, Department Members shall not install, connect to, move, change, modify, disconnect, or tamper with any data circuit, router, switch, hub, data jack, data cable, server, or other data communications equipment, or software or assist any unauthorized person in gaining access to data circuits, routers, switches, hubs, data jacks, data cables, servers, or other data communications equipment, devices, or software.

336.20 AUTHORIZATION REQUIRED

Members shall not do any of the following without the required authorization:

1. Access or allow access to another to obtain, alter or prevent access to stored electronic communications.
2. Use electronic communications to capture or open electronic communications of another or access files without permission of the owner.
3. Damage hardware, software, or other communications equipment or interfere with functionality.
4. Attempt to breach any security measures on any electronic communications system or attempt to intercept any electronic communication transmission.
5. Modify or delete any file, folder, or system audit, security or ownership records or time stamp with the intent to misrepresent true system audit records.
6. Access the files belonging to another for non-business purposes.
7. Use someone else's USERID, password or access another person's files or retrieve stored communications without authorization.
8. Modify the hardware or software configuration on any computer.
9. Modify or delete the automatic scan for computer viruses.
10. Use electronic communications to transmit (upload) or knowingly receive (download):
    (a) Any communication violating any applicable laws, regulations or policies.
    (b) Proprietary or confidential Department information.
    (c) Chain letters.
    (d) Material that would be offensive to a reasonable person.
11. Transmit any electronic message in violation of file size restrictions.
12. Use Department computer equipment or network to send or receive electronic communications for non-Department business.
13. Use computers, networks, or electronic communications to infringe on the copyright or other intellectual property rights of the county or third parties.
14. Send or receive commercial software in violation of its license agreement.
15. Copy personal files programs or images into any Department computer without authorization from their bureau captain.

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16. Send anonymous messages or represent oneself as someone else, real, or fictional or send messages or images, which are defamatory, fraudulent, threatening, harassing, sexual, or contain derogatory racial or religious content.
17. Establish any hidden or misidentified links on any web page.
18. Send or forward messages that have been altered in order to deceive the receiver as to the original content.
19. Use Department computers, networks, software, or electronic communications for personal financial, commercial, political, or other personal use.
20. Use electronic communications to intimidate, embarrass, cause distress, or otherwise force unwanted attention upon others or to interfere with the ability of others to conduct Department business or create a hostile work environment.
21. Use electronic communications in competition with commercial services to individuals or organizations outside the Department.
22. Use electronic communications for the purposes of gambling, including but not limited to, lotteries, sports pools, and other personal wagering.
23. Give out Member personal information such as home address and/or telephone numbers.
24. Modify or update the Department "Web Page" without prior approval of the appropriate Assistant Sheriff.

336.21 CALIFORNIA DEPARTMENT OF JUSTICE ADMONISHMENT

As an Member of the Orange County Sheriff-Coroner's Department, you may have access to confidential criminal record and/or Department of Motor Vehicles record information, which is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code Section 502 prescribes the penalties relating to computer crimes. Penal Code Sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code Sections 11140 11144 and 13301 13305 prescribe penalties for misuse of criminal history information. Government Code Section 6200 prescribes the felony penalties for misuse of public records and CLETS information. Penal Code Sections 11142 and 13303 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

California Vehicle Code Section 1808.45 prescribes the penalties relating to misuse of Department of Motor Vehicles record information.

Any Member who is responsible for such misuse is subject to disciplinary action. Violations of this law may also result in criminal and/or civil actions.

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336.22 DATA COMMUNICATIONS MANAGEMENT

The Technology Division is responsible for overall access and administration of electronic data communications policy and procedures for any traffic occurring over the Sheriff-Coroner's Data Network, OCATS, CLETS, and Department ALPR. In this role, the Technology Division shall:

1. Review and approve requests for access to the Sheriff-Coroner's Data Network, OCATS, CLETS, and Department ALPRs. Requests for such access should be made to the Technology Division help desk accompanied by written Commander approval.
2. Review and act on all requests to receive e-mail. Requests for e-mail should be made to the Technology Division help desk.
3. Review and act on requests from Department users to install new equipment, hardware or software connected to the Sheriff-Coroner's Data Network. Such requests should be made to the Technology Division help desk.
4. Review requests and provide Internet access for individual Department Members. Requests for such access must be submitted on a Department memo (attachment #3) from the requestor's Commander/Director to the Technology Division Director. The Technology Division is responsible for maintaining a list of authorized Internet users.
5. Specify the software required for usage with computers connected to the Sheriff-Coroner's Data Network and ensure its usage on all such computers.
6. Establish the standards and purchase all electronic communications equipment including personal computers, printers, scanners, and network equipment for the Department, as such equipment relates to the wide area network.
7. Establish and purchase the standard software suite for Department computers, including desktop and network operating systems, virus scanning, e-mail, faxes, word processing, spreadsheet, graphics, database, and network management software.
8. Review and act on requests to use encryption technology by Department Members.

336.23 NETWORK / FIELD SUPPORT & HELP DESK

The Sheriff-Coroner's Data Network provides 24-hour support for system outages related to the mainframe. A system outage is defined as the inability to access mission critical services such as AJS, WPS, or CLETS/OCATS. If this occurs contact Information Services Help Desk at (714) 834-4444. All non-mission critical system or computer related problems would be processed on the next business day. Routine service and support is currently not available on a 24-hour basis. Members should call or e-mail the Technology Division help desk to report hardware, software, and other problems encountered while utilizing an SDN connected device.

336.24 OCSD USER AUTHORIZATION AND ACKNOWLEDGMENT OF POLICIES AND GUIDELINES

Members shall be responsible for reading and signing the Department "User Acknowledgment of Electronic Communications Policy" form (Section 343.25) before obtaining authorization to access the Sheriff-Coroner's Data Network. The Department form requires a counter signature by the user's supervisor at the rank of sergeant or higher.

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336.25 USER ACKNOWLEDGMENT OF ELECTRONIC COMMUNICATIONS POLICY

I understand that the Orange County Sheriff-Coroner's Department requires each user, who has access to automated data communications, be responsible for adhering to its electronic communications policy sections as set forth in the Manual of Policy and Procedures. I have received a copy of these Policy and Procedures.

I understand that I must not have an expectation of privacy when using county electronic communications and acknowledge that my electronic communications may be monitored at any time by authorized Members.

By signing this form, I agree to abide by all policies, including state statutes relating to electronic communications and use of information, and understand that I will be held accountable for my actions and that disciplinary actions may result from not abiding by these policies. I also understand authorized persons, including supervisors, auditors and investigators may access any equipment, software and files at any time.

User Name (PRINT) User Signature Date

As a supervisor, by my signature, I acknowledge my responsibility to have provided the electronic communications policies, to the above user. I also acknowledge that I am responsible for ensuring that the above user, whom I supervise, has read and understands this policy.

Supervisor's Name (PRINT) Supervisor's Signature Date

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Report Preparation

338.1 PURPOSE AND SCOPE

Report preparation is a major part of each Member's job. The purpose of a report is to document sufficient information to refresh the Member's memory and to provide sufficient information for follow-up investigation and successful prosecution.

338.2 DEFINITION

Priority Report: For the purpose of this policy, priority reports are defined as reports regarding any use of force and all incidents for which a suspect is booked into a custodial facility (jail, juvenile hall, or mental hospital) and includes cases where the suspect will be cited and released from that facility. This also includes Electronic Direction for Complaint (EDC) filed reports and all reports that are being submitted for criminal filing regardless if the suspect(s) are In-Custody.

338.3 SUBMISSION OF REPORT

To provide the best service to the public, it is the policy of this Department to require all reports be complete and accurate. Priority reports shall be submitted at the end of each shift, unless the Department Member receives prior approval from the immediate supervisor as described below. All non-priority reports should be submitted as soon as practicable, but no later than the end of the Member's work week, unless that Member received prior approval from an immediate supervisor as detailed below.

It shall be the responsibility of all Members to submit all reports for approval prior to reassignment or permanently leaving their assigned work location. If a Member is unable to submit all reports prior to reassignment, approval must be received by the Member's immediate supervisor.

All reports must be submitted before a Member separates from the Department.

338.3.1 EXCEPTIONS

Exceptions to the above policy shall be determined by the immediate supervisor of the involved Member on a case-by-case basis. A request for an exception will be supported by a proper justification from the Member.

Exceptions may be granted by the immediate supervisor under the following circumstances:

1. Details acting in an extensive follow-up capacity, e.g. Investigative Details, Forensic Science Services, and etc.
2. The workload of the shift was such that it did not allow for report writing. The Member requesting an exception under this circumstance shall provide the supervisor with their Patrol Daily Activity Report to demonstrate the heavy workload that supports an exception..
3. The report was received the last day of the Member's work week, at the end of the shift, and it is not a priority report.
4. The Member assigned a report ends their shift early due to a personal emergency or worker's compensation incident.

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5. Video footage and/or audio recording of the incident is not yet available for the reporting Member to review.
6. Additional follow-up and/or investigation is required for a complete and accurate report.

338.4 RESPONSIBILITIES

The reports prepared by Members are the records of OCSD and not the Members' records; Members should not provide copies of reports the Member has prepared to parties involved in any incident, only the Records Division may provide copies of reports as authorized under the law. If a Member is contacted and asked for a copy of the report by any member of the public, the person should be referred to the Records Division (refer to Lexipol Policy 805 for details).

338.4.1 REPORT WRITER RESPONSIBILITIES

1. Prepare all priority reports taken during the assigned shift and submit for supervisory approval prior to the end of such assigned shift.
2. Prepare all non-priority reports taken during the assigned shift for supervisory approval, as soon as practicable, but no later than the end of the Member's work week.
3. Contact the immediate supervisor for all priority reports upon completion throughout the shift.
4. Contact the immediate supervisor in all cases where the Member believes an exception to the above stated policy is appropriate.

338.4.2 SUPERVISOR RESPONSIBILITIES

1. Thoroughly review all submitted reports for completeness and accuracy prior to approval.
2. Verify that any associated case evidence is appropriately documented and booked per policy 802.
3. Require additional information or corrections when necessary on all reports prior to approval.
4. Reports containing grammatical errors shall be corrected.
5. Ensure all reports were submitted in a timely manner or the conditions for exceptions were adequately met.
6. Follow-up on all deferred reports and ensure their completion.
7. Carefully review all requests for exception to the policy stated above and make appropriate documentation.

338.4.3 MANAGEMENT RESPONSIBILITIES

1. Verify supervisors are granting exceptions to the policy stated in Section 338.3.1 only in applicable situations.
2. Verify overtime usage for report writing is utilized only in appropriate situations.

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3. Review involved personnel's Patrol Daily Activity Report for any time management issues related to report exceptions.
4. Verify reports granted an exception are submitted.

338.5 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 finalized may be corrected or modified by the reporting Member only when rejected by records.

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Gun Violence Restraining Order

339.1 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.

339.1.1 DEFINITIONS

The following definitions relate to terms used within this policy:

Temporary Firearms Restraining Order: An order, in writing, signed by the court, prohibiting a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. (Penal Code § 18100).

Firearms Emergency Protective Order: An order, approved by a judicial officer, prohibiting a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition (Penal Code § 18125).

Gun Violence Restraining Order Property Receipt: A property receipt containing the following language:

“The release of firearms is subject to a California Department of Justice Bureau of Firearms Law Enforcement Gun Release (LEGR) Application (Penal Code § 33850). Application forms are available online at http://ocsd.org/legr or by calling (916) 227-7527. If you are notified the Department of Justice has determined you are eligible for return of the firearm to you, you will have 180 days to claim the firearm at 320 N. Flower St. Santa Ana, CA 92703. Please call 714-834-6482 to make an appointment. Any unclaimed firearm may be disposed of after the 180- day period has expired."

339.2 POLICY

It is the policy of the Orange County Sheriff’s Department to petition 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.

339.3 GUN VIOLENCE RESTRAINING ORDERS

A deputy who reasonably believes a person is a present danger or danger in the near future to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm should petition the court for a temporary firearms restraining order or a firearms emergency protective order. A deputy petitioning the court for a gun violence restraining order shall comply with notice, hearing and renewal requirements set forth in Penal Code § 18100, et seq.

Petitions should also describe why the order is necessary to prevent personal injury to the subject of the petition or another person because less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

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Deputies petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). Form GV-100 is the Petition for Firearms Restraining Order;, Form GV-110 is the Temporary Firearms Restraining Order; Form GV-109 is the Notice of Court Hearing; Form GV-200 is the Proof of Personal Service; and Form EPO-002 is the Firearms Emergency Protective Order. Forms can be located on the Orange County Sheriff's Department Document Center.

339.3.1 TEMPORARY FIREARMS RESTRAINING ORDER

Temporary firearms restraining orders may be obtained by a deputy sheriff or a family member of the person named on the order. If the criteria mentioned in section 345.3 are met, a deputy sheriff should seek a temporary firearms restraining order by completing a Petition for Firearms Restraining Order (GV-100), and completing sections one and two of the Temporary Firearms Restraining Order (GV-110) and completing the Notice of Court Hearing form (GV-109). A temporary firearms restraining order signed by a judicial officer shall be served in accordance with section 339.4 of this policy.

339.3.2 FIREARMS EMERGENCY PROTECTIVE ORDER

Under many circumstances it may not be practical to submit a written petition to the court. A deputy may orally request an order using the procedures for obtaining an Emergency Protective Order and using Judicial Council Form EPO-002 which is a Firearms Emergency Protective Order (Penal Code § 18140; Penal Code § 18145). A Firearms Emergency Protective Order approved by a judicial officer shall be served in accordance with section 339.4 of this policy.

A Firearms Emergency Protective Order is valid for 21 days beginning the day after the date of issuance. If a Firearms Emergency Protective Order is granted, the Firearms Emergency Protective Order should be forwarded to the responsible investigative unit for determination of further action including whether a Petition for a Firearms Restraining Order should be sought which, if granted, is valid for one year.

339.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

A deputy serving any gun violence restraining order shall:

1. Serve the order on the restrained person if the restrained person can reasonably be located.
2. Request that any firearms or ammunition be immediately surrendered and issue a Gun Violence Restraining Order Property Receipt, located on the Orange County Sheriff's Department Document Center, for the surrendered items. (Penal Code § 18120).
3. 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).
4. Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160) and serve the restrained person with the Notice of Court Hearing (GV-109), if applicable.
5. File a copy of the proof of personal service form or emergency firearms protection order with the court as soon as practicable after issuance by faxing the order and proof

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of service to the Orange County Superior Court Protective Order Unit at FAX (714) 647-4884.

6. As soon as practicable, but no later than the end of the deputy's shift, submit proof of service for either temporary firearms restraining order or emergency firearms protection order to Teletype 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.

As soon as practicable, the deputy SHALL also inform County Counsel at GVRO@occourts.org of the issuance of any temporary firearms restraining order (GV-110) to allow for a deputy county counsel to be assigned in the event of a hearing.

339.5 SEARCH WARRANTS

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 contact Investigations to seek a search warrant (Penal Code § 1524(a)(14)). If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with applicable laws. Additionally, Penal Code § 1542.5 requires:

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 both of the following conditions are met:
   (a) The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
   (b) There is no evidence that the owner unlawfully possesses the firearm or ammunition.
3. If a locked gun safe owned by a person 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.

339.6 TELETYPE RESPONSIBILITIES

Teletype is responsible for ensuring:

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1. Proof of service of any gun violence restraining order served by a deputy or received from the clerk of the court is entered into the California Restraining and Protective Order System 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).
2. Orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

339.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Deputy Sheriffs 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:

1. Record the individual's name, address and telephone number.
2. Record the serial number of the firearm.
3. Prepare a property report.
4. Provide a Gun Violence Restraining Order Property Receipt to the individual who surrendered the firearms and ammunition.
5. Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

339.8 RELEASE OF FIREARMS AND AMMUNITION

1. Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.
2. Firearms and ammunition that were taken pursuant to a search warrant must be retained by the Orange County Sheriff's Department and may only be released in accordance with Penal Code § 1536 and the Property and Evidence Policy.

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News Media Relations

340.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies, custody operations and other law enforcement activities.

340.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Commanders, Department Commanders, designated Public Information Officer(s) or the Public Affairs and Community Engagement (PACE) division may prepare and release information to the media in accordance with this policy and the applicable law.

340.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, Members shall consider the following:

1. 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 designated Department media representative;
2. In situations involving multiple law enforcement agencies, 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;
3. Under no circumstance should any Member of this Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Sheriff. Please refer to Policy 1055-Social Media and 1058-Employee Speech Expression for further guidance.

340.3 MEDIA ACCESS

Authorized and bona fide Members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

1. 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.
2. Media representatives may be prevented from interfering with emergency operations and criminal investigations
   (a) In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort

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should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.

(b) Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFR should be routed through the Department Commander. A TFR, either for a pre-planned operation or an unplanned incident, should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate controlling tower. If the controlling tower is not known, the Federal Aviation Administration should be contacted (Federal Aviation Regulations § 91.137).

3. No Member of this Department shall be subjected to media visits or interviews without the consent of the involved Member (Government Code § 3303(e)).

4. Penal Code §409.7(a) states if peace officers closes 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 activity that is protected pursuant to the First Amendment to the United States Constitution or Article I of the California Constitution, the following requirements shall apply:

    1. A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network may enter the closed areas described in this section.

    2. A peace officer or other law enforcement officer shall not intentionally assault, interfere with, or obstruct the duly authorized representative of any news service, online news service, newspaper, or radio or television station or network who is gathering, receiving, or processing information for communication to the public.

    3. A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network that is in a closed area described in this section shall not be cited for the failure to disperse, a violation of a curfew, or a violation of paragraph (1) of subdivision (a) of Section148, for gathering, receiving, or processing information. If the duly authorized representative is detained by a peace officer or other law enforcement officer, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so.

    (b)This section does not prevent a law enforcement officer from enforcing other applicable laws if the person is engaged in activity that is unlawful.

    (c)This section does not impose, and shall not be used as the basis for, criminal liability.

5.Section 409.7 only applies to events in which people are engaged in activity that is protected pursuant to the First Amendment to the United States Constitution or Article I

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of the California Constitution. Events defined in the section include, but are not limited to, demonstrations, marches, protests, and rallies.

6.The Department's Patrol Operations Manual, Section 51.IV.C.5 states, "the command post should be established immediately, so the Incident Commander can coordinate all the responding assets. It can be a radio car; a residence or any location where responding deputies can gather and receive instructions." Command Posts are areas of land which may or may not contain multiple structures and/or vehicles. Command Posts are not defined solely as the structure or vehicle on the designated area of land. The space abutting a command post which may be closed to the public must remain open to media representatives. The legislature does not define the size of a command post, but the intent is to allow the media access to the immediate area surrounding the command post.

7. Members of the media are granted access to closed areas during demonstrations, marches, protests, and rallies. Those areas include the immediate areas surrounding a command post and areas closed by an established police line or rolling closure. Media is not granted access inside the command post at these events. Members of the media may not be cited for failure to disperse, a violation of curfew, or a violation of paragraph (1) of subdivision (a) of Section 148, for gathering, receiving, or processing information. All attempts will be made to have Department PIOs on location to assist with media access and inquiries.

8. A stringer is a freelance journalist, photographer, or videographer who contributes reports, photos, or videos to a news organization on an ongoing basis but is paid individually for each piece of published or broadcast work. They may be first to arrive on scene and should be treated as the News Media.

340.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies 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 news 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 shall consider, at 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.

340.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department shall provide information, upon request, to media representatives through the PACE Division or the Records Division. 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 Division.

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340.5 CUSTODY OPERATIONS

Media interviews inside a jail facility will be closely regulated to ensure the controlled and safe operation of the facility.

340.5.1 THE MEDIA AND CUSTODY OPERATIONS

1. The PACE Director or designee will be available to the public and to media representatives to answer inquiries and make official releases of information. All inquiries from the media will be referred to the PACE Director or designee.
2. Members of the media are encouraged to contact the PACE Director to coordinate a media interview that will not count as the inmate's visit for the day. Each inmate is permitted one approved, one-hour "Media Interview" per day.
3. A member of the media requesting to interview an inmate outside of public visiting hours must contact the PACE Director. Media requests for interviews of inmates on non-visiting days must be approved through the Watch Commander and PACE Director.

340.5.2 INMATE/MEDIA INTERVIEWS

1. Media representatives may be allowed to interview an inmate only with the approval of all the following individuals: the requested inmate, his or her counsel (if represented in any case), and the Division Commander of the facility where the inmate is housed, in consultation with the PACE Director. The interview may be conducted in person or over the phone.
2. A Media representative requesting to take photographs or record the interview using a camera or a recording device must notify the PACE Director at the time of the interview request. The PACE Director shall obtain approval for the photographs or recordings from the Division Commander of the facility where the inmate is housed. The Media Interview Request Form must reflect the inmate's consent if any photographs, audio, or video recordings are approved. The named inmate agreeing to the interview and consenting to be photographed and recorded is the only inmate who can be interviewed, photographed and/or recorded. This requirement is meant to protect the rights of inmates and staff, and to maintain order within the facility.
3. No inmate will be required to be interviewed by the media.
4. Media interviews with inmates inside a Custody Operations facility may be refused because:
    (a) The inmate has not completed the booking process.
    (b) The media representative refuses to agree to the conditions set forth by this policy.
    (c) The inmate is medically or psychologically unable to participate as determined by a Correctional Health Services (CHS) provider. If there are questions about an inmate's medical or psychological ability to participate, the Division Commander will consult with the CHS provider, and the opinion of the provider will be documented in the Watch Commander's log.

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(d) The Division Commander believes the interview would endanger the health and safety of the media representative or would incite other inmates and disrupt the operation of the facility. The Watch Commander will document the Division Commander's specific concerns in the Watch Commander's log.

(e) With the approval of the Division Commander, the media representative may take photographs and/or voice recordings. The named inmate agreeing to the interview is the only inmate who can be photographed and/or recorded.

(f) Due to special security, custodial and supervisory arrangements necessitated by media interviews, a High Security inmate or an inmate at the hospital may not be available for an interview. The Division Commander will individually review each such case and consult with a CHS provider as needed.

340.5.3 MEDIA REQUESTS FOR INTERVIEWS

1. If approved, the Watch Commander will ensure form J184A-MEDIA REQUEST FOR INMATE INTERVIEW (for inmates represented by counsel in any open criminal case) or J-184B-MEDIA REQUEST FOR INMATE INTERVIEW (for inmates who are pro per in every open criminal case) is completed and presented to the inmate for the inmate to consent to, or decline, the request.

   (a) Inmates who decline the media interview request must sign the form reflecting their decision. The Watch Commander will provide a copy of the signed form to the PACE Division and the original will be placed in the inmate's jacket.

   (b) Inmates who consent to the media interview and are Represented by Counsel in any open criminal case:

      1. If the inmate consents to the request and the inmate is represented by counsel, a copy of the J-184A form signed by the inmate will be provided to the PACE Division. The PACE Division will provide the copy of the signed form to the media representative requesting the interview. The media representative must obtain the written consent of the inmate's attorney on the form prior to scheduling the interview. The form will be submitted to the PACE Division to continue to facilitate the inmate interview approval process. The Watch Commander will confirm the attorney who signed the form is the inmate's attorney of record. The Watch Commander will notify the Division Commander if there are any discrepancies between the form and the court records.The Watch Commander will ensure a copy of the form signed by the inmate and inmate's attorney is provided to the inmate. The fully executed form with the original signature of the inmate's attorney will be placed in the inmate's jacket.

   (c) Inmates who consent to the media interview and are Propria Persona (Pro Per) in every open criminal case:

      1. If the inmate is Pro Per, the box on the J-184B form advising the inmate that they may wish to consult with an attorney prior to accepting the media interview request will be initialed by the inmate. The form will be submitted to the PACE Division to continue to facilitate the inmate interview approval

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process. The Watch Commander will ensure a copy of the form signed by the inmate is provided to the inmate. The fully executed form with the original signature of the inmate will be placed in the inmate's jacket.

(d) Scheduling the Interview:

1. The time and location of the interview will be determined by the Division Commander working in conjunction with the PACE Division.
2. Visiting staff will use the Jail Management System (JMS) to schedule the interview as an "Official Visit," noting "Media Interview" in the agency box and filling in appropriate media personnel information.

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Emergency Pings and Ex-Parte Court Orders

341.1 PURPOSE

This policy establishes guidelines for the Orange County Sheriff's Department (OCSD) regarding the handling of emergency pings and the preparation of ex-parte court orders. It delineates responsibilities and processes to ensure timely and efficient responses to emergencies while maintaining compliance with legal requirements.

341.2 SCOPE

This policy applies to all OCSD personnel, including the Real Time Operations Center (RTOC) and Dispatch. It outlines procedures for:

- Initiating and handling emergency pings.
- Preparing and processing ex-parte court orders.
- Coordinating responsibilities between RTOC and Dispatch.

341.3 POLICY

The OCSD is committed to responding swiftly to emergencies involving exigent circumstances while adhering to legal standards. The RTOC will serve as the primary entity responsible for drafting ex-parte court orders to support emergency pings.

341.4 DEFINITIONS

Emergency Ping: The process of obtaining real-time location information from any device or vehicle capable of transmitting an electronic signal during exigent circumstances.

Device: Any technology capable of transmitting GPS or location data (e.g., mobile phones, smart devices, or equipped vehicles).

Ex-parte Court Order: A legal document prepared and submitted to a judge without notice to the other party, seeking authorization for an emergency ping.

DR Number: A unique identifier assigned to a specific incident or case.

Call Number: A unique identifier for a specific call for service.

341.5 PROCEDURE

A. **Emergency Pings**

1. **Initiation:**

(a) Deputies or investigators identifying the need for an emergency ping will contact the Department Commander with all relevant details, including the exigent circumstances and the subject's information.

1. A need for an emergency ping includes:

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(a) When a Member, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires access to the subject's device; or

(b) When access to information concerning the location or the telephone number associated with the device is necessary in order to respond to an emergency 911 call from that device.

(b) The specific circumstances where emergency pings may be lawfully pursued are detailed in Penal Code § 1546.1(c)(6) and (11).

(c) The Department Commander will notify the RTOC and provide the DR or Call Number associated with the incident.

(d) Upon notification, the RTOC will coordinate with the requesting deputy or investigator to validate the emergency and confirm the necessity of the ping, as outlined in Penal Code § 1546.1.

(e) RTOC personnel will initiate the emergency ping request with the service provider and document all actions taken.

(f) RTOC personnel shall continue to monitor the facts and circumstances surrounding the exigent ping and notify the service provider when the need for further pings has concluded.

(g) RTOC personnel shall have sole responsibility for completing all ex-parte orders and required notifications related to emergency pings, pursuant to Penal Code § 1546.2.

B. **Ex-parte Court Orders**

1. **Preparation:**

(a) The RTOC will be responsible for drafting ex-parte court orders related to emergency pings.

(b) The order will include:

- Detailed exigent circumstances justifying the request.
- Information about the subject and device to be pinged.
- Reference to the associated DR or Call Number.

2. **Submission:**

(a) The completed ex-parte court order will be submitted electronically to the appropriate court for review and approval.

(b) RTOC personnel will document the submission and approval process.

C. **Notifications**

1. **California Electronic Communication Privacy Act (CALECPA) Requirements:**

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(a) Notifications required under the CALECPA for emergency pings will be made through either certified mail or the Department of Justice (DOJ) website, as applicable.

(b) RTOC personnel will ensure compliance with CALECPA requirements and maintain records of all notifications.

D. **After-Hours Procedure**

1. **Dispatch Notification:**

(a) If the RTOC is not operational, Dispatch will submit the request for the emergency ping with the service provider and then provide all details related to the emergency ping to the RTOC Sergeant for required follow-up. This notification will minimally contain the following information:

- DR or Call Number.
- Summary of the incident.
- Requesting deputy's or investigator's contact details.

2. **Follow-Up:**

(a) RTOC personnel will review all after-hours notifications during the next operational period and prepare the ex-parte court order for submission.

(b) The RTOC will complete the required notifications as outlined in Penal Code § 1546.2.

341.6 DOCUMENTATION AND RECORDKEEPING

1. All emergency pings and associated ex-parte court orders will be documented in the case file and maintained per OCSD's record retention policies.
2. RTOC personnel are responsible for compliance with all legal and departmental requirements for recordkeeping.

341.7 ACCOUNTABILITY

1. RTOC and Dispatch supervisors will monitor compliance with this policy.
2. Any deviations from the established procedures must be documented and reported to the appropriate chain of command.

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Special Weapons and Tactics (SWAT)

342.1 PURPOSE AND SCOPE

The Orange County Sheriff's Department Special Weapons and Tactics (SWAT) Team was established to provide specialized support in the handling of critical incidents that may potentially exceed the scope and tactical capabilities of patrol personnel or investigative units.

These missions include but are not limited to hostage situations, barricaded suspects, sniper activities, high-risk search/arrest warrants, weapons of mass destruction (WMD), terrorist events, and other hazardous incidents.

342.2 MISSION STATEMENT

The mission of SWAT is to preserve and protect the lives of the people of Orange County. We stand ready to manage high-risk situations by providing effective and professional tactical support through superior training, tactics, and equipment, in order to safely resolve any event in which conventional law enforcement response has proven ineffective. We serve the people of Orange County through our unwavering commitment, maintaining our tradition of professionalism and tactical excellence.

342.3 SWAT USE OF FORCE POLICY

All Deputies assigned to SWAT will adhere to the Orange County Sheriff's Department Use of Force Policy, Policy 300.

342.4 SWAT TEAM ACTIVATION AND SUPPORT

342.4.1 TACTICAL SUPPORT ELEMENT (TSE) ACTIVATION

Any Deputy, Sergeant, or Supervisor managing a critical, ongoing incident, may request a Tactical Support Element (TSE), per POM Section 73, for consultation regarding the appropriateness of a SWAT activation or tactical advice and support. A tactical response may involve SWAT, Tactical Apprehension Team (TAT),the Crisis Negotiation Team (CNT), Hazardous Devices Squad (HDS), or a combination of any of the four. Requests must be made through the Emergency Communication Bureau Department Commander, who will then contact the Bureau Commander of the Special Enforcement Bureau, or their designee, to authorize tactical support.

342.4.2 SWAT TEAM ACTIVATION

If a tactical response is deemed appropriate, the SWAT Commander, or their designee, will notify the Department Commander that the SWAT team will be activated and respond.The number of operators and resources deployed will be at the discretion of the SWAT Sergeants and Team Leaders.

The following are some of the high-risk elements that may often necessitate a SWAT team response:

1. Barricaded suspect(s) who are armed or believed to be armed

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2. Hostage situation
3. High risk searches / arrest warrants which may involve the following:
    (a) Subjects with a violent criminal history
    (b) Documented gang members or known gang environments
    (c) Subject(s) wanted for violent crimes
    (d) Suspect(s) known to carry a firearm or have previous weapon convictions
4. Armed suspect(s)
    (a) Presence of firearms at the location
    (b) Discharge of a firearm
5. Sniper activity
6. Dignitary protection
7. Active Shooter events
8. Violent civil unrest / Mobile Field Force support
9. Any violent or potentially violent situation, that may exceed the scope and tactical capabilities of patrol personnel or investigative units, where SWAT personnel could enhance the ability to preserve life, maintain social order, and ensure the protection of life and property.

342.4.3 WARRANT SERVICE REQUEST

Units tasked with the service of a high-risk warrant on a residence or structure are encouraged to utilize the SWAT Warrant Matrix (Investigative Warrant Threat Assessment) to determine the appropriate level of tactical response, which may include the use of SWAT (See POM Section 73.II.4.a. SWAT Matrix) or the Tactical Apprehension Team (TAT). Any SWAT Warrant Matrix (Investigative Warrant Threat Assessment Worksheet) with a "yes" box checked shall be submitted to the SWAT Commander, or their designee, for review. The SWAT Commander, or their designee, will make the final determination if SWAT or TAT will serve the search warrant.

If deemed appropriate, the case will be assigned to a SWAT Team Leader, who will work directly with the case agent for details and coordination of the warrant service. Once service of the warrant has concluded, an element of SWAT personnel will maintain their presence at the scene until properly relieved by a Sergeant, Investigator, Deputy or other appropriate member of law enforcement.

342.4.4 OUTSIDE AGENCY REQUESTS

All outside agency requests for SWAT assistance will be directed to the SWAT Commander for review and final approval.

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342.5 OPERATIONAL AFTER-ACTION REPORTS

A SWAT Supervisor or their designee will compose a detailed After-Action Report (AAR) to document all SWAT deployments and forward it to the appropriate case agent and SWAT Commander. This AAR will include the following:

1. General description of the incident
2. Incident DR number
3. Actions taken by SWAT
4. Use of Light Sound Diversionary Devices (LSDD)
5. Use of Chemical Irritants
6. Damage to structure or surrounding structures
7. Injuries to anyone on scene

342.6 SWAT TEAM MEMBER SELECTION

SWAT selection announcements will be emailed department-wide at least thirty (30) days prior to the selection commencement date. Sworn personnel who have passed their probationary period (or will have by the time of selection) shall submit a SWAT Selection Application to their Division Captain for approval before applying. Qualified applicants will be provided a study packet along with the scheduled date, time, and location of the SWAT evaluation.

342.7 SWAT PROBATIONARY MEMBERS

SWAT probationary members will be subject to a two-year observation period. SWAT probationary members will be assigned to a SWAT Training Officer and will receive a written evaluation (SWAT Observation and Assessment Report - SOAR) for every month of SWAT training completed for the first six months. SOAR reports may continue after the first six-month training period at the discretion of the training officer.

Throughout the two-year probationary period, training officers will review the SOAR reports with their trainees each month. Areas in need of remediation will be clearly documented, identified, and successfully addressed within one month. A failure to successfully remediate a deficiency will result in dismissal from the SWAT program.

342.8 INITIAL TRAINING

SWAT team personnel should not be deployed in a live tactical role until successful completion of the POST-certified Basic SWAT Course. SWAT members undergoing their two-year probationary period may be utilized for various support tasks.

342.8.1 RECURRING TRAINING

SWAT Sergeants shall ensure the team's training is in accordance with Department Policy and within the training guidelines established by POST (11 CCR § 1084).

SWAT Team Operators, Supervisors, and Team Leaders should complete, update or attend refresher training certified by POST, or its equivalent, every 24 months.

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The following specialty units require additional training days each year to meet the minimum training requirements and ensure proficiency during high-risk operations:

(a) Firearms Instructor / Range Master

(b) Sniper Operations

(c) Aerial Platform Operations

(d) Joint Hazardous Assessment Team (JHAT)

(e) Waterborne Operations

(f) Weapons Armorer

(g) Emergency Medical Care

(h) CQC Tactics Training

(i) Manual / Explosive Breaching

(j) Chemical Agent Deployment

342.8.2 SWAT TRAINING DOCUMENTATION

Team training files will be maintained in accordance with the Department's Records Retention and Disposition Schedules and shall include the type of training, date(s) of attendance, personnel in attendance and a synopsis of the training conducted.

Any external training received by individual team members will be documented in the appropriate team member's file. It is the responsibility of each individual to ensure training certificates are provided to the appropriate team Sergeant for documentation.

342.9 SWAT TEAM MEMBER EVALUATION AND DISMISSAL

Continual evaluation of a team member's performance and efficiency shall be conducted by the SWAT team Sergeants and Commander.

SWAT Team members may be terminated from the team, with cause, in accordance with the Public Safety Officers Procedural Bill of Rights Act. Some causes suitable for dismissal may include, but are not limited to:

1. Violation of State or Federal Law
2. Violation of Department Policy, including:
    (a) Unsafe weapons handling
    (b) Egregious tactical or other safety violations
3. Conduct unbecoming a Law Enforcement Officer
4. Integrity violations
5. Failure to correct deficiencies within one month of the identified deficiency
    (a) Failure to qualify with assigned weapons
    (b) Failure to complete required training

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An operator identified as performing unsatisfactorily in their role within SWAT will be given a written warning by a SWAT Sergeant. The deficient operator will be placed on a six-month probationary period and will be expected to remedy any deficiencies. If the deficiency is so serious that dismissal is immediately required, a detailed summary of the deficiency will be documented and approved by a SWAT Sergeant and/or the SWAT Sergeant will document the incident themselves.

The assigned SWAT Sergeant will receive a copy of all written warnings and subsequent evaluations. The Sergeant will forward all documentation regarding an operator being placed on probation or dismissal to the SWAT Commander for review and approval.

342.9.1 ANNUAL PHYSICAL FITNESS DIAGNOSTIC
Each SWAT team member shall participate in a bi-annual fitness diagnostic.

342.10 STANDARDIZATION OF EQUIPMENT

342.10.1 UNIFORMS AND GEAR
SWAT operators will deploy in issued green tactical uniforms (with Sheriff's Department patches affixed to both shoulders and an embroidered Sheriff Badge on the chest), black boots, green tactical plate carrier with Level III ballistic plates, IFAK (individual first aid kit), gas mask (with compatible CBRN filter), and a ballistic helmet with built-in hearing protection unless they are responding from their primary assignment, and it is not practical to change uniforms.

342.10.2 WEAPONS SYSTEMS
Weapons used by SWAT shall be agency-issued or approved by a SWAT Armorer if owned by the individual operator. This includes any modifications, additions, or attachments to the weapon system. All weapons utilized by SWAT will be inspected by a SWAT Armorer once a year. Individual operators are expected to maintain clean and operable weapons systems at all times and should report any identified issues or concerns to the SWAT Armorer immediately.

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Crisis Negotiations Team (CNT)

343.1 PURPOSE AND SCOPE

The Orange County Sheriff's Department Crisis Negotiations Team (CNT) was established to provide support in the negotiation of critical incidents that may potentially exceed the scope and specialized training of patrol personnel or investigative units.

These incidents may include, but are not limited to, hostage situations, barricaded suspects, suicidal subjects, high-risk searches/arrest warrants, terrorist events and other hazardous incidents.

343.2 MISSION STATEMENT

The mission of CNT is to preserve and protect the lives of the residents of Orange County. We stand ready to manage high-risk, critical situations by providing effective and professional, critical negotiations, in order to safely resolve events. We serve the residentsof Orange County through our unwavering commitment to our tradition of professionalism and excellence.

343.3 CNT USE OF FORCE POLICY

All deputies assigned to CNT shall adhere to the Orange County Sheriff's Department Use of Force Policy, Policy 300.

343.4 CNT ACTIVATION

CNT can be utilized any time an individual threatens physical harm to themselves or others. Generally, CNT will be utilized at the direction of the relevant Incident Commander and in conjunction with a tactical element, such as Special Weapons and Tactics (SWAT) or Tactical Support Element (TSE); however, CNT can be utilized independently in any situation where specialized negotiation skills may help safely resolve an incident.

Requests for activating CNT should be initiated by contacting the Department Commander (DC), who will then contact the Special Enforcement Bureau (SEB) Commander with a request for activation. Upon approval, the SEB Commander will notify the CNT Sergeant (or designee) to initiate a response.

The minimum CNT personnel response to an activation should be a CNT Sergeant (or designee) and two negotiators.

343.4.1 OUTSIDE AGENCY REQUESTS

All outside agency requests for CNT assistance will go through the Department Commander (DC). The DC will contact the SEB Commander or designee for review and final approval.

343.4.2 AFTER ACTION REPORTS

A CNT Sergeant, Team Leader or designee will compose a detailed After-Action Report (AAR) to document all CNT deployments. This AAR will include the following:

- General description of the incident

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- Incident DR number
- Team assignments
- Incident resolution

All CNT recordings related to an incident will be documented and booked per Orange County Sheriff's Department Property and Evidence Policy, Policy 802.

Following a deployment, assessments and analysis of an incident will be discussed in person during an incident debrief.

343.5 ORGANIZATION

CNT is under the command of the Special Operations Division - Special Enforcement Bureau and organized under the following structural format:

- Assistant Sheriff - Investigations and Special Operations Command
- Commander - Special Operations Division
- Captain - Special Enforcement Bureau (SEB Commander)
- Sergeant - Crisis Negotiations Team Supervisors
- Deputies and Investigators - Team Leaders, Assistant Team Leaders, Negotiators
- Consultants - Civilian/Reserve/Non-Sworn OCSD personnel with specialized qualifications, such as mental health professionals

343.5.1 MEMBERSHIP

Orange County Sheriff's Department CNT is a voluntary assignment and may be on a full-time or ancillary basis.

Upon assignment to CNT, members will be considered probationary for a period of 24 months. New members are required to successfully complete the Peace Officer Standards and Training (POST) certified Basic Negotiator (40 hour) course no later than 12 months after assignments to CNT.

343.5.2 MEMBERSHIP SELECTION

CNT recruitment announcements will be e-mailed department-wide prior to the selection commencement date. An interview date, time and location will be assigned to each candidate. Following a structured interview and practical application process, a ranked list will be assembled and forwarded to the Special Enforcement Bureau Captain for selection of team members. During the application process, applicants will be graded on their communication skills, how they work in a small team environment, and their ability to remain calm under pressure.

The minimum qualifications for a member of CNT are:

- Completion of Deputy I Probation
- Excellent communication skills

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- Ability to function in a small team environment
- Ability to remain calm under pressure
- Working knowledge of OCSD Policy and Procedures
- Available for training and response to call outs
- Positive recommendation for CNT by a current supervisor

343.6 CERTIFICATIONS AND TRAINING

CNT members will adhere to all standard team certification, participation and training guidelines and must successfully complete the required POST certified Basic Negotiator course, within the first 12 months of being assigned to CNT,prior to being utilized as a Primary Negotiator.

CNT members are expected to attend all team training dates unless an excused absence has been approved. Excused absences will be handled on a case-by-case basis as designated by the CNT Sergeants. Any outside training must be approved by a CNT Sergeant in advance.

343.7 EQUIPMENT

CNT equipment should meet agency needs and may include, but not be limited to, a command post vehicle, a remote public address system, department issued radios, and a "throw-phone" device.

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Disciplinary Policy

347.1 DISCIPLINE DEFINED

Discipline, as discussed in this chapter, is any formal corrective action taken by the Department toward any Member who violates any Departmental policy, rule, regulation, or statute. Pre-disciplinary measures including counseling memos, deficiency notices, and performance expectation memos may be used as preliminary corrective actions in appropriate cases.

347.2 TYPES OF DISCIPLINARY ACTION

1. Subject to the provisions of the Personnel and Salary Resolution for the County of Orange, and the Member's appropriate MOU, the following are approved disciplinary actions within the Department:
    (a) Written Reprimand: A reprimand reduced to writing, signed by the Member, and made a part of the Member's personnel file.
    (b) Suspension: A relief from duty without pay.
    (c) Demotion: A reduction to a position of lower class or rank.
    (d) Dismissal: A termination of employment.
2. The type of disciplinary action chosen shall be appropriate to the seriousness of the violation.

347.3 AUTHORITY TO DISCIPLINE

1. All Departmental discipline that exceeds a 24-hour suspension without pay must be approved by the appropriate Assistant Sheriff. Commanders are authorized to approve Department discipline consisting of a written reprimand up to a 24-hour suspension without pay. Any supervisor, when appropriate, may administer an oral reprimand to subordinate personnel in their command. Any other type of disciplinary action may be recommended by a supervisor to their superior.
2. Commanders are authorized to issue written reprimands for performance deficiencies within the following guidelines:
    (a) Written reprimands must be properly documented.
    (b) Written reprimands may not be issued in any case where the Member must be interviewed, or required to provide written documentation, to determine if the alleged act or inaction occurred. Such situations are referred through channels to the Internal Affairs Bureau.
    (c) The Commander shall first submit copies of all supportive documents, appropriate memorandum from supervisors, a brief summary of cause for the action, and a draft written reprimand to their Assistant Sheriff for review and approval.
    (d) The package will be forwarded to the Internal Affairs Bureau and all materials shall be reviewed for compliance with rules and regulations and the applicable

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Memorandum of Understanding. The Internal Affairs Bureau shall then create a Personnel Investigation file and issue an Internal Affairs tracking number.

(e) The Personnel Investigation file shall be returned to the Division and a final written reprimand shall be prepared by the Division and signed by the Commander and acknowledged by the affected Member (signature, or "refused to sign", with date).

(f) The original written reprimand shall be given to the Member. Two signed copies of the written reprimand along with all supporting documentation shall be forwarded to the Internal Affairs Bureau for retention. The completed written reprimand shall be referenced in the Member personnel file.

(g) The Member's rights are guaranteed by the County Grievance Procedure.

(h) The records pertaining to the written reprimand shall be retained for five years after the investigation file is closed in accordance with the Department's Records Control Schedule.

347.3.1 EMERGENCY SUSPENSION FROM DUTY

In the absence of the Sheriff Coroner, the Undersheriff, the Assistant Sheriffs, the Commander concerned, or the Department Commander concerned, in that order, has the authority to impose an emergency suspension, with pay, from duty until the next business day, or such earlier time that such suspension can be reviewed by the Sheriff Coroner.

347.3.2 INVESTIGATION OF COMPLAINTS

1. Upon receipt of a complaint alleging misconduct, the Sheriff or designee shall direct the investigation of said complaint. Upon conclusion of the investigation one of the following findings shall be made by the Sheriff or designee and stated in the report. The Member shall be advised of the disposition.
   (a) Unfounded: Investigation indicates that the act or acts complained of did not occur or involve Department Member.
   (b) Exonerated: Act or acts did occur but were justified, lawful or proper.
   (c) Not Involved: Investigation establishes that the Member was not involved in the alleged incident.
   (d) Not Sustained: Investigation fails to discover sufficient evidence to clearly prove or disprove misconduct on the part of the Member.
   (e) Sustained: Investigation discloses sufficient evidence to clearly prove misconduct on the part of the Member.
2. Such reports and findings shall be maintained in a confidential file, accessible only to the Sheriff Coroner and persons authorized by him, or through legal process.

347.4 POST INVESTIGATION PROCEDURES

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347.4.1 RESPONSIBILITIES OF SHERIFF OR SHERIFF'S DESIGNEE

Upon receipt of any written recommendation for disciplinary action, the Sheriff or designee shall review the recommendation and all accompanying materials.

The Sheriff or designee may modify any recommendation and/or may return the file to the Commander for further investigation or action.

Once the Sheriff or designee is satisfied that no further investigation or action is required by staff, the Sheriff or designee shall determine the amount of discipline, if any, to be imposed.

In the event disciplinary action is recommended, the Sheriff or designee shall provide the Member with written (Skelly) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or 3508.1):

1. Specific charges set forth in separate counts, describing the conduct underlying each count.
2. A separate recommendation of proposed discipline for each charge.
3. A statement that the Member has been provided with or given access to all of the materials considered by the Sheriff in recommending the proposed discipline.
4. An opportunity to respond orally or in writing to the Sheriff within ten days of receiving the Skelly 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.

347.5 RESIGNATION OR RETIREMENT PRIOR TO DISCIPLINE

In the event a Member subject to an administrative investigation resigns or retires prior to the completion of the administrative investigation and/or imposition of discipline, their decision to do so along with any documentation shall be memorialized in the administrative investigation file. The investigation shall be completed as noted in this policy and the separated Member shall be afforded any post investigatory rights as required by law. Separation prior to the completion of the administrative investigation, or with pending or potential discipline from an investigation, may impact the Member's ability to be considered honorably retired and/or designated "resigned from service".

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Reserve Deputy Sheriff Program

348.1 POLICY

It is the policy of the Department to maintain a trained reserve force to aid in emergency situations and to augment the regular Members of the Department in the accomplishments of Departmental objectives. It shall be the duty of all Members of the Department, when so requested, to aid in the furtherance of this program, and in the training and development of the Reserve Force.

348.2 PURPOSE AND SCOPE

The Orange County Sheriff-Coroner Department 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.

348.3 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE OFFICERS DEPUTIES

The Orange County Sheriff-Coroner Department 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.

348.3.1 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.

348.3.2 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.

348.3.3 UNIFORM AND EQUIPMENT FOR SHERIFF RESERVE DEPUTIES

All reserve deputy appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve deputy shall be returned to the Department upon termination or resignation. Reserves shall receive two (2) uniforms annually, equal to that of regular deputies.

Reserve deputies shall conform to all uniform regulations and appearance standards for the Department.

348.3.4 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 are determined by the Sheriff, or designee, to support Divisions within the department with staffing and, costs and to enhance

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service to our communities. Reserve deputies are required to work a minimum of 20 hours per month.

348.3.5 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all Departmental policies and procedures. A copy of the policies and procedures shall be made available to each reserve deputy upon appointment and they 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.

348.4 RESERVE DEPUTY CLASSIFICATIONS

All reserve deputies will be assigned to duties by the Reserve Coordinator or designee. Reserve personnel are subordinate to regular deputies, and in most circumstances, shall work under the immediate direction of regular full-time deputy of this Department. Unless otherwise directed by the Mutual Aid Bureau Captain, reserves shall not wear their rank insignia while working a uniformed assignment.

There are three classifications of reserve deputy set forth in Penal Code Section 832.6. In addition, Penal Code Section 830.6(a)(2) permits the Sheriff to give "designated" status to Level I Reserves when authorized by a county ordinance (See OCCO 1-2-120.). Reserve Deputies may be deployed in a variety of assignments based on their reserve level, training and experience. The four (4) levels of reserve deputy are listed below starting with the highest level reserve.

- Level I-D (Designated)
- Level I (Non Designated)
- Level II
- Level III

For Level I and II Reserves: POST defines the "prevention and detection of crime and the general enforcement of laws" as used in Penal Code section 832.6 as "the peace officer authority of a Level I or Level II reserve officer assigned to investigate crime, or patrol a geographic area and personally handle the full range of requests for police services, and take enforcement action on the full range of law violations for which the reserve's department has enforcement responsibility." [Commission Procedure H-1-2(f)]

348.4.1 LEVEL I-D (DESIGNATED) RESERVE DEPUTIES

Orange County Codified Ordinance (OCCO) 1-2-120 authorizes the Sheriff to give “designated” status in writing to reserve deputies who meet the requirements listed below. The “designated” status is not a permanent classification and the Sheriff can revoke it at any time.

1. To be designated as Level I-D, reserve deputies must complete two years and five hundred (500) working hours of field experience as reserve deputies (OCCO 1-2-120).
2. Level I-D reserve deputies must complete the Sheriff Department’s POST approved Field Training Program.

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3. Level I-D is the only category of reserve that has 24-hour peace officer authority. All other levels have peace officer powers only for the duration of the person's specific assignment.
4. A Level I-D reserve may work alone and perform the same duties as a full-time deputy.
5. Level I-D reserve deputies must have successfully completed the POST Regular Basic Course in either the standard format or the modular format – Level III, II and I reserve training.
6. Reserve deputies may be granted Level I-D status if they possess both a POST Reserve Officer Certificate and a POST Basic Certificate. Upon completion of the OCCO 1-2-120 requirements and the Sheriff Department's POST approved Field Training Program, designated Level I-D reserves are granted the following:
    (a) Full peace officer powers both on or off duty.
    (b) Authority to carry an off-duty weapon, conforming to Department policy, without the need for a concealed weapon permit.
    (c) May be assigned to tasks routinely performed by regular deputies, including supervising Level II and III reserves.

348.4.2 LEVEL I (NON-DESIGNATED) RESERVE DEPUTIES
deputies

Level I reserve deputies must successfully complete the POST Regular Basic Course in either the standard format or the modular format – Level III, II and I reserve training.

1. A Level I reserve deputy may perform general law enforcement assignments only while under the immediate supervision of a full time deputy or a Level I-D reserve deputy until they have successfully completed the Sheriff Department's POST approved Field Training Program.
2. Level I peace officer authority is only for the duration of the reserve's specific assignment.
3. Level I reserves are granted the following:
    (a) Peace officer powers only while on duty.
    (b) Authorization to carry an off-duty weapon only if they have a concealed weapon permit.
    (c) May be assigned to tasks routinely performed by regular deputies, except they shall not be assigned to supervise other reserve deputies in a general law enforcement capacity.
    (d) Level 1 Reserves can be deployed on patrol by themselves after successfully completing the department's Field Training requirement.
4. A Level I reserve deputy may work unsupervised in the Custody Operations Command after successfully completing the jail academy.

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Note: Immediate supervision is defined as being routinely in physical proximity of and available to the reserve deputy. However, allowance is permitted for necessary temporary separations.

348.4.3 LEVEL II RESERVE DEPUTIES

A Level II reserve deputy may perform general law enforcement assignments only while under the immediate supervision of a deputy sheriff who has completed the POST Regular Basic Course (full-time deputy or Level I-D reserve deputy).

1. A Level II reserve deputy may work assignments authorized for a Level III reserve deputies without immediate supervision.
2. A Level II reserve deputy must successfully complete the Level III and Level II modules of the POST Basic Course (modular format as their entry-level training requirement).
3. Reserve Deputies who have successfully completed a Level II reserve POST Certified Reserve Training Module, are granted the following:
    (a) Peace officer powers only while on duty.
    (b) Authorization to carry an off-duty weapon only if they have a concealed weapon permit.
4. Level II reserve deputies assigned to the prevention and detection of crime and the general enforcement of the laws of this state must be under the immediate supervision of a peace officer who has completed the basic training course for deputy sheriffs and police officers (Regular Basic Course) prescribed by the Commission on Peace Officer Standards and Training. Level II reserve officers may be assigned, without immediate supervision, to those limited duties that are authorized for level III reserve officers. [PC 832.6(a)(2)]

Note: Immediate supervision is defined as being routinely in physical proximity of and available to the reserve deputy. However, allowance is permitted for necessary temporary separations.

348.4.4 LEVEL III RESERVE DEPUTIES

Upon completion of a POST approved training course for Level III reserve peace officers, Level III reserve deputies are granted peace officer powers only while on duty during a specific assignment.

1. Level III reserve deputies may perform limited support duties and other duties not likely to result in physical arrests or which may require aggressive peace officer reaction.
    (a) POST defines Limited Support Duties as duties not likely to result in physical arrests. Some examples may include: traffic control, security at parades/sporting events, report taking, evidence transportation and parking enforcement.
2. Level III reserve deputies shall not be assigned to general law enforcement activities.
3. Level III reserve deputies shall perform their duties only while being supervised in the accessible vicinity of a deputy sheriff or level 1-D reserve deputy.
    (a) Level III reserve deputies may transport prisoners without immediate supervision.

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4. All Level III Reserve Deputies are required to work one event per month unless excused by the Mutual Aid Bureau Captain, Sergeant, or the Commander.
5. Examples of duties which may be performed by Level III reserve deputies, but not limited to, the following:
    (a) Assisting jail deputies.
    (b) Working fixed posts for traffic control.
    (c) Providing security at parades and special events.
    (d) Providing security at sporting events.
    (e) Assisting investigators with administrative functions.
    (f) Attending community events.
    (g) Report taking.
    (h) Evidence transportation.
    (i) Parking enforcement.

348.4.5 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:

1. Assignment of reserve personnel.
2. Conducting reserve meetings.
3. Establishing and maintaining a reserve call-out roster.
4. Monitoring individual reserve deputy performance.
5. Monitoring overall Reserve Program.
6. Maintaining liaison with other agency Reserve Coordinators.

348.5 FIELD TRAINING

Penal Code § 832.6(a)(2) requires Level I reserve deputies, who have not been released from the immediate supervision requirement per Policy Manual § 350.4.7, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

348.5.1 TRAINING OFFICERS

Deputies of this Department, who demonstrate a desire and ability to train reserve deputies, may train the reserves during Phase II, subject to Reserve Coordinator/Field Training Bureau approval.

348.5.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve deputies shall be assigned to a primary training officer. The primary training officer shall be selected from members of the Field Training Officer (FTO) Committee. The reserve deputies shall 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.

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348.5.3 FIELD TRAINING MANUAL

Each new reserve deputies shall 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 Orange County Sheriff-Coroner Department. The reserve deputy shall become knowledgeable of the subject matter as outlined. The reserve deputy shall also become proficient with those skills as set forth in the manual.

348.5.4 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, theyshallthen proceed to Phase II of the training. If they have not progressed satisfactorily, the Reserve Coordinator shall determine the appropriate action to be taken.

348.5.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve deputy shall no longer be required to ride with their primary training officer. The reserve deputy may now ride with any deputy designated by the Reserve Coordinator/Chief of Police Services.

During Phase II of training, as with Phase I, the reserve deputy's performance shall be closely monitored. In addition, rapid progress should continue towards the completion of the Deputy's Field Training Manual. At the completion of Phase II of training, the reserve deputy shall return to their primary training officer for Phase III of the training.

348.5.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve deputy shall return to their original primary training officer. During this phase, the training officer shall evaluate the reserve deputy for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer shall meet with the Reserve Coordinator. Based upon the reserve deputy's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve deputy has satisfactorily completed their formal training. If the reserve deputy has progressed satisfactorily, theyshallthen graduate from the formal training process. Iftheir progress is not satisfactory, the Reserve Coordinator shall decide upon the appropriate action to be taken.

348.5.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve deputy has satisfactorily completed all three phases of formal training, theyshallhave had a minimum of 284 hours of on-duty training. The reserve deputyshallno longer be required to ride with a reserve training officer. The reserve deputy may now be assigned to

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ride with any deputy for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

To qualify for designation by the Sheriff as a Level I-D reserve, the reserve deputy must have completed two years and five hundred (500) working hours of field experience as a reserve deputy (OCCO 1-2-120.).

348.6 RESERVE DEPUTY MEETINGS

All reserve deputy meetings shall 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.

348.6.1 IDENTIFICATION OF RESERVE DEPUTIES/PROFESSIONAL SERVICE RESPONDERS

All reserve deputies shall 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. No "rank" badges shall be issued to reserve deputies. The identification card shall be white with a green header and footer. "Reserve" shall be indicated on the card.

Active Level 1D reserve deputies that have successfully completed the FTO Training Program may be issued a non-rank flat badge in addition to their uniform pin on badge.

Professional Services Responders (PSR) shall be issued the standard identification card (blue) indicating "Professional Services Responder." PSR shall not be issued badges.

348.6.2 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against them or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator at the discretion of the Patrol Operations Command Assistant Sheriff.

348.6.3 RESERVE DEPUTY EVALUATIONS

While in training, reserves shall be continuously evaluated using standardized daily and weekly observation reports. The reserve shall be considered a trainee until all of the training phases have been completed. Reserves having completed their field training shall be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

348.7 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve deputy as having peace officer powers during their assigned tour of duty, provided the reserve deputy qualifies or falls within the provisions of Penal Code § 832.6.

348.7.1 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.

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348.7.2 CONCEALED FIREARMS PROHIBITED
No reserve deputy shall be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who are classified as Level I-D or possess a valid CCW license. An instance may arise where a reserve deputy is assigned to a plainclothes detail for their 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 their proficiency with said weapon.

When a reserve deputy has satisfactorily completed all three phases of training as outlined in Policy Manual § 350.4, they may apply to the Professional Standards Division for a CCW License per Penal Code §26170. The decision to issue a concealed weapon license shall be made by the Sheriff with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon license, a reserve deputy's qualification shall be individually judged. A reserve deputy's dedication to the program and demonstrated maturity, among other factors, shall be considered before a concealed weapon permit shall be issued.

348.7.3 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:

1. All reserve deputies are required to qualify quarterly
2. Reserve deputies may fire at the Department approved range at least once each month and more often with the approval of the Reserve Coordinator
3. Should a reserve deputy fail to qualify quarterly, that reserve deputy shall not be allowed to carry a firearm until they have reestablished their proficiency

348.8 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL
The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

348.9 SEPARATION FROM SERVICE

1. Depending on the length of service and age at separation, reserve deputies honorably separating from service to the Department may be issued a Department identification card in accordance with guidelines in Policy § 1053.6.2 Department Badge(s) / Identification Card. The issued Department identification card shall state, "Honorably Served" with dates of service to the Department and shall NOT indicate a "CCW

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Approved" endorsement unless the reserve deputy meets the requirements of Penal Code § 26300(c)(2).

2. Reserve deputies honorably separating from service who meet the guidelines for issuance of a Department identification card may also receive a flat badge, subject to the approval of the Sheriff (Policy § 1053.6.2).

3. Reserve deputies separating from service to the Department who meet the requirements of Penal Code § 26300(c)(2) shall be issued a CCW endorsement. All other reserve deputies separating from service to the Department shall not be issued a CCW endorsement. CCW licenses may be applied for under the provisions of Policy § 218 Carry Concealed Weapon License and Penal Code § 26150.

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Department Computer Use

352.1 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.

352.1.1 PRIVACY POLICY

Any Member utilizing any computer, electronic storage device, or media, Internet service, phone service, information conduit, system, or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the Member, sender, and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received, and/or stored through the use of such service.

352.1.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Computer System: All computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Orange County Sheriff-Coroner Department, which are provided for official use by agency Members. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware: Includes, but is not limited to, computers, computer terminals, network equipment, modems, or any other tangible computer device generally understood to comprise hardware.

Software: Includes, but is not limited to, all computer programs and applications including "shareware". This does not include files created by the individual user.

Temporary File or **Permanent File** or **File:** Any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, or messages.

352.2 SYSTEM INSPECTION OR REVIEW

A Member's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by a Member's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

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Reasons for inspection or review may include, but are not limited to system malfunctions, problems, or general system failure; a lawsuit against the agency involving the Member, or related to the Member's duties; an alleged or suspected violation of a Department policy; or a need to perform or provide a service when the Member is unavailable.

352.3 AGENCY PROPERTY

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any Department computer, or through the Department computer system on any other computer, whether downloaded or transferred from the original Department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-Departmental use without the expressed authorization of a Member's supervisor.

352.4 UNAUTHORIZED USE OF 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 computer virus or malicious software infection, 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. Any files or software that a Member finds necessary to upload onto a Department computer or network shall be done so only with the approval of the Department IT specialist and only after being properly scanned for malicious attachments.

No Member shall knowingly make, acquire, or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved Members to severe civil and criminal penalties.

352.5 INTERNET USE

Internet access is primarily for County business. You may access the Internet for limited personal use only during non-working time and in strict compliance with policy. If there is any doubt about whether an activity is appropriate, consult with your Department Head or his/her designee.

The Department shall actively monitor use of the Internet, to ensure that anyone using Department access to the Internet does not engage in any unethical, illegal, or unacceptable activity. Examples of unethical, illegal, or unacceptable activities include, but are not limited to:

1. Activities outlined in the section "Prohibited Activities" within the latest Orange County's Information Technology Usage Policy.
2. Seeking to gain or gaining unauthorized access to information resources.
3. Gaining, communicating, or using passwords belonging to other users.
4. Using the Internet to access, process, distribute, transmit, or display inappropriate stored electronic media; obscene, libelous or defamatory material, or any material, the access to which might undermine the integrity of the Sheriff's Department. Certain

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exceptions may be permitted with the approval of a supervisor as a function of an assignment.

5. Participating in "chat rooms".
6. Running any type of public or unauthorized peer-to-peer network services, such as KaZaA, Gnutella, and Napster, etc.
7. Using any type of public or authorized instant messaging, such as Windows Live Messenger, Yahoo! Messenger, Skype, etc.
8. Using the Internet web-based email or private email, such as Gmail, Hotmail, and AOL.
9. The use of "Web Radio", "Web Shots", "Weather Bug", "Napster" (or the equivalent), "Web Casts", "Web Robots" or any other real-time streaming connections which occupies continuous bandwidth (resources) in the network.
10. Downloading copyrighted media and/or unlicensed software program files.

The use of the Internet is a privilege, not a right. If a Member is found to have engaged in any unethical, illegal, unacceptable activities, or violation of this policy, such activity shall subject the user to discipline consistent with any applicable labor agreement or policy including revocation of rights to Internet access.

In order to maintain network security, all Members using County access to the Internet are expected to comply with the following:

1. All files downloaded from the Internet must be scanned with anti-virus software approved by Information Services.
2. Make sure the computer which is used for Internet access is protected by anti-virus software.
3. No computer used for Internet access can be connected to another Internet Service Provider other than what is provided by the Department.

Any Member that feels he or she can identify a security concern or feels that his or her system may be infected or intruded with a computer virus should perform no further work on the computer and immediately contact the System help desk.

The Information Service Bureau reserves the rights to block accesses which are determined to pose security threats or excessive loads to the information and network infrastructure.

352.6 PROTECTION OF AGENCY SYSTEMS AND FILES

All Members have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for a Member to allow an unauthorized user to access the system at any time or for any reason.

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352.6.1 STORAGE

Network drive space is a resource provided for the purpose of storing work-related materials and files. All Members are responsible for managing this space, which includes deleting nonessential or obsolete files to keep space utilization at a minimum. Personal media files such as music files, personal images, or personal video clips are not to be stored on network drives. The Department allots a specific amount of network drive space to meet the needs of individuals and Departments. Information Systems is responsible for monitoring network drive space and notifying individuals and Departments when they exceed the allotted space. Individuals and Departments may request a quota increase. Upon receipt of a request, the drive space shall be reviewed for compliance with the data storage policy. Additional space may be allocated based upon need and availability of resources.

352.6.2 NETWORK DRIVES

The following is a list of the most common drives accessible to Members:

1. The H:\ drive is the individual network drive. Disk space on this drive is to be used to store work related information. Each Member is allotted 500 megabytes of individual network drive space. If additional disk space is needed, please place a service request with your command's designated staff to submit an authorization request. Once approved for more allocated space you will be contacted by Systems Personnel.
2. The S:\ drive is the commandal drive. This drive serves as active file storage and file sharing within each command.

352.6.3 BACKUP SCHEDULE

All network drives are backed up nightly. Local drives on individual desktops and laptops are not backed up. Local drives typically include C:\, D:\, and E:\ drives. The "My Documents" folder is usually saved on a local drive, typically the C:\ drive on computers. Peripheral devices such as thumb drives (other names include jump drives or thumb drives) are not backed up. If a failure occurs on the local drives or on a thumb drive, there is the risk that files may not be retrievable.

352.6.4 PROCEDURES

Members should review the contents of their drives that they have access to and delete any files that are not allowed within this policy. Suggestions for reducing the size of the network drives include:

1. Remove personal files from all network drives.
2. Remove outdated files that are no longer needed or have been replaced by new files.
3. Review with the Departmental supervisor to identify any materials that should be removed from the Departmental drive. If there are old materials that should be archived, the Departments can send a request to the Help Desk to arrange for archiving to media.

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352.6.5 RATIONALE & RESPONSIBILITIES

Network drive resources are provided to ensure safe and secure locations where Members may store current, work-related documents. Prudent use of this resource ensures that everyone has the storage they need to execute their daily tasks and maintain documents and files.

Users are expected to use Department resources in a responsible manner. Information Systems is responsible for ensuring that the storage resources are sufficient to meet the Member and Department needs. When an exception to this policy is granted, Information Systems is responsible for reviewing all requests for additional allotments and making appropriate adjustments as deemed essential to the operation of the Department.

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Major Incident Notification

358.1 PURPOSE AND SCOPE

Incidents that are of significant nature and that fall into listed criteria require notification to certain Members of this Department. It is critical that staff Members are informed of certain incidents in order to apprise their superiors and properly address inquiries from members of the press.

358.2 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

1. Homicides
2. Traffic accidents with fatalities
3. Officer-involved shooting - on or off duty (See Policy Manual § 310.53 for special notifications)
4. Significant injury or death to Member - on or off duty
5. Death of a prominent Orange County official
6. Arrest of Department Member or prominent Orange County official
7. Aircraft crash with major damage and/or injury or death
8. In-custody deaths

358.3 DEPARTMENT COMMANDER RESPONSIBILITY

The Department Commander is responsible for making the appropriate notifications. The Department Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Department 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.

358.3.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Sheriff shall be notified along with the affected Commander and the appropriate Investigations Bureau's Captain if that command is affected.

358.3.2 DETECTIVE NOTIFICATION

If the incident requires that a investigator respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate investigator.

358.3.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who shall then contact the appropriate accident investigator. The Traffic Sergeant shall notify the Southwest Operations Division Captain.

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358.3.4 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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Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations, and services. It is therefore the policy of this Department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 United States Code 2000d and the Omnibus Crime Control and Safe Streets Act of 1968).

368.1.1 DEFINITIONS

The following definitions relate to terms used within this policy:

Authorized interpreter: Any Member who is bilingual and has successfully completed Department-prescribed interpreter training and is authorized to act as an interpreter or translator.

Bilingual: The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, Members, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an Member's language skills may be used.

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): Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP 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.

Translation: The replacement of written text from one language (source language) into an equivalent written text (target language).

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368.2 POLICY

Since there are potentially hundreds of languages Department Members could encounter, the Department shall utilize the four-factor analysis outlined in the Department of Justice LEP *Guidance to Federal Financial Assistance Recipients* available at the DOJ website in determining which measures will provide reasonable and meaningful access to various rights, obligations, services, and programs to everyone. It is recognized that law enforcement contacts and circumstances shall vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:

1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by Department personnel or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.
2. The frequency with which LEP individuals are likely to come in contact with Department personnel, programs, or services.
3. The nature and importance of the contact, program, information, or service provided.
4. The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department its Members.

While this Department shall not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right, the above analysis shall be utilized to determine the availability and level of assistance provided to any LEP individual or group.

368.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department shall utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

368.3 LEP COORDINATOR

Depending on the balance of the above four factors, this Department shall make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department Members should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

368.3.1 BILINGUAL STAFF

Members utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established Department procedures, a level of competence to ascertain

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whether the Member's language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions. All Members used for communication with LEP individuals must demonstrate knowledge of the ethical issues involved when functioning as a language conduit. In addition, Members who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter including but not limited to the ethics requirements of interpretation. When bilingual Members of this Department are not available, members from other city departments who have the requisite training may be requested.

368.3.2 WRITTEN FORMS AND GUIDELINES

This Department shall determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department shall arrange to make these translated forms available to Departmental Members and other appropriate individuals.

368.3.3 AUDIO RECORDINGS

From time to time, the Department may develop audio recordings of important information needed by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

368.3.4 TELEPHONE INTERPRETER SERVICES

The Department Commander and Emergency Communications Bureau Captain will maintain a list of qualified interpreter services which, upon approval of a supervisor can be contacted to assist LEP individuals. Such services shall be available to, among others, Department personnel who utilize official cellular telephones.

368.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual Departmental Members or other County-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted in above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders, and school officials. Department Members should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and Department Members shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see: Section V(3) of the DOJ Final Guidance available at the DOJ website).

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368.4 FOUR-FACTOR ANALYSIS

While all law enforcement contacts, services and individual rights are important, this Department shall utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

Whenever any Member of this Department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

368.4.1 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 Members shall 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, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this Department by utilizing all the methods listed in § 368.3 above.

368.4.2 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 or not sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed and the language is known, the call-taker should immediately transfer the LEP caller to an available authorized interpreter to handle the call.

If an appropriate authorized interpreter is not available, the call-taker shall promptly contact the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers shall make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

The Department shall take reasonable steps and shall work with the Professional Standards Division to hire and develop in-house language capacity in Emergency Communications Bureau by hiring qualified personnel with specific language skills.

368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement shall 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 shall inevitably vary. Department Members 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.

Although not every situation can be addressed in this policy, it is important that Department Members are able to effectively communicate the reason for a contact, the need for information,

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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.

368.4.4 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.

368.4.5 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 Members providing interpretation services or translated forms in these situations shall 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.

Members 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 Members. 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.

368.4.6 COMPLAINTS

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

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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.

368.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this Department shall continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

In an effort to ensure that all Members in public contact positions (or having contact with those in custody) are properly trained, the Department shall provide periodic training to Members about Departmental LEP policies and procedure, including how to access Department-authorized, telephonic, and in-person interpreters and other available resources. LEP training shall be provided for new Members and refresher training shall be provided at least once every two years thereafter.

368.6 WRITTEN FORMS AND GUIDELINES

1. Department Members who are called upon to interpret, translate, or provide other language assistance shall be trained annually on language skills competency including specialized terminology and ethical considerations.
2. Assessment: The Department Member identified as bilingual, who are willing to act as authorized interpreters, shall have their language skills assessed by a professional interpreter using a structured assessment tool established by the Commander. Members found proficient in interpreting into and from the target language shall be placed conditionally on the authorized interpreters list.
3. Training: All Members conditionally placed on the authorized interpreter list must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual shall be unconditionally placed on the authorized interpreter list. 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 advisor.
4. Refresher course for authorized interpreters: Members who have been unconditionally placed on the authorized interpreter list must receive refresher training annually or they shall be removed from the authorized interpreter list. The Training Division shall be responsible for coordinating the annual refresher training and shall maintain a record of training that the interpreters have received.

The LEP Coordinator shall ensure that the authorized interpreters list is kept current and a copy is forwarded to Emergency Communications Bureau.

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368.7 AUDIO RECORDINGS

The following materials shall be made available to Members to assist in providing access and service to LEP individuals:

1. A list of Departmental bilingual Members, languages spoken, and contact and shift information
2. A list of Department-certified interpretation services, bilingual interpreters, languages spoken, and contact and availability information
3. The telephone number and access code of telephonic interpretation services
4. Language identification cards
5. Translated *Miranda* warning cards and other frequently used documents
6. Audio recordings/warnings that are developed in non-English languages

368.8 QUALIFIED BILINGUAL MEMBERS

368.8.1 LEP COORDINATOR

The Sheriff shallappoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Department LEP services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator shall also be responsible for annually reviewing all new documents issued by the Department to assess whether they should be considered vital documents and be translated.

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Biological Samples

374.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the State of California DNA Data Bank Program (Penal Code § 295, et seq.). Biological samples collection pursuant to Penal Code § 296 is addressed in the Custody and Court Operations Manual section 1500

374.2 POLICY

While the courts may order biological samples taken in a variety of circumstances under the Act, Members of this Department are only authorized to obtain biological samples from the following individuals absent other lawful means (e.g., consent or a search warrant).

Only those qualifying individuals whose biological sample is not currently on file with the Department of Justice may be required to provide samples. Verification of biological samples on file may be determined by a DNA collection flag on the individual's criminal history record or, during regular business hours, by calling the Department of Justice designated DNA laboratory at (510) 620-3300. All DNA collection flags should be verified by contacting DOJ prior to the collection of the sample (Penal Code § 298(b)(5)).

It is a misdemeanor for any qualified individual to refuse to give any or all required biological samples following written notice of the requirement to do so (Penal Code § 298.1(a)).

374.2.1 ARRESTEES

Any adult arrested or charged with any felony offense is required to provide biological samples. Biological samples should be collected immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest but in any case prior to release on bail or other physical release from custody (Penal Code § 296.1(a)(1)(A)).

374.2.2 SEX AND ARSON REGISTRANTS

Any adult or juvenile who is required to register as a sex offender under Penal Code § 290 or arsonist under Penal Code § 457.1 including those whose registration resulted from a qualifying misdemeanor crime is required to submit a biological sample (Penal Code § 296(a)(3)).

At the time that any such registrant registers, updates registration, or is notified by the Department of Justice or other law enforcement officer, an appointment shall be made designating the time and place for the collection of biological samples if no such sample has already been provided (Penal Code § 296.2(c)).

374.3 PERSONS SUBJECT TO DNA COLLECTION

Upon a determination that any individual is qualified and required to provide biological samples under the Act, the arresting deputy or other Member designated by a supervisor shall obtain biological samples in accordance with this policy.

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374.3.1 BLOOD SAMPLES

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. Blood samples obtained for submission to the Department of Justice DNA lab shall be placed in Department of Justice blood vials (Penal Code § 298(a) and (b)(2)). A right thumbprint shall be placed on the sample vial along with other required identifying information.

374.3.2 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by Members who have successfully completed departmentally approved training in the collection of buccal swabs and with the use of Department of Justice buccal swab collectors (Penal Code § 298(a) and (b)(3)). A right thumbprint shall be placed on the collector along with other required identifying information.

Note: If an individual violently resists or presents other officer safety issues, Members may omit buccal swab samples upon approval of a supervisor.

374.3.3 FULL PALM PRINTS

Full palm print impressions shall be obtained on Department of Justice prescribed forms along with all biological samples (Penal Code § 298(b)(4)).

374.3.4 USE OF FORCE TO OBTAIN SAMPLES

If after a written or oral request, a qualified individual who refuses to provide any or all of the required biological samples, a sworn Member of this Department may use reasonable force to obtain such sample(s) under the following conditions:

1. Prior to the use of reasonable force, the deputy(s) shall take and document reasonable steps to secure voluntary compliance (Penal Code § 298.1(c)(1)(C)).
2. Prior to the use of reasonable force, the deputy(s) shall obtain written authorization from a supervisor which shall minimally include that the individual was asked to provide the sample(s) and refused (Penal Code § 298.1(c)(1)(B)).
3. If the authorized use of reasonable force includes a cell extraction, such extraction shall be video recorded (Penal Code § 298.1(c)(1)(D)).

For the purpose of this section, the "use of reasonable force" shall be defined as the force that an objective, trained, and competent deputy faced with similar facts and circumstances would consider necessary and reasonable to gain compliance (Penal Code § 298.1(c)(1)(A)).

374.4 PROCEDURE

All biological samples and related materials shall be promptly forwarded to the DNA Lab using DOJ mailing tubes, labels, and instructions for prompt analysis (Penal Code § 298(a) and (b)(1)).

374.4.1 COLLECTION

In the event the Department of Justice notifies the Department that a biological sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The Department shall thereafter take all

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reasonable steps to collect additional samples from any such individual and promptly transmit these to the Department of Justice (Penal Code § 296.2(a)).

374.4.2 FOLLOW UP NOTICE TO DOJ

Within two years of submitting any DNA specimen, sample or impression to the Department of Justice, this Department shall notify DOJ whether the individual remains a suspect in a criminal investigation (Penal Code § 297(c)(2)). It shall be the responsibility of the Department of Justice to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

374.5 UNLAWFUL COLLECTION OR TAMPERING OF DNA SAMPLE OR IDENTIFICATION INFORMATION

It is a felony for any qualifying individual to knowingly facilitate the collection of a wrongfully attributed biological sample or identification information, or to knowingly tamper with any biological sample or collection container with the intent to deceive the government as to the identity of the person who provided the sample (Penal Code § 298.2).

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a biological sample collected or profile obtained for DNA database purposes (Penal Code § 299.5(i)(1)(A)).

374.6 LITIGATION

The Sheriff or authorized designee shall immediately notify the Department of Justice DNA Legal Unit at (415) 703-5892 in the event this Department 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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Transgender Policy

375.1 PURPOSE

The Orange County Sheriff's Department is committed to working with the diverse communities it serves. The Department has been working with the LGBTQ (lesbian, gay, bisexual, transgender, and queer (and/or questioning) Community to establish procedures that create mutual understanding, prevent discrimination and conflict, and ensure the appropriate treatment of transgender individuals. This policy will apply to all Department Members.

Department Members are also required to comply with Policies 328 (Policy Against Unlawful Harassment and Discrimination) and 402 (Bias Free Policing).

375.1.1 DEFINITIONS

Transgender: A term used to refer to a person who is born with the genetic traits and anatomy of one sex (i.e., male or female) and self identifies as another gender (i.e., feminine or masculine).A transgender person can be pre-operative, post-operative, or non-operative.

Gender identity: A person's sense of being a man or a woman.

Gender expression: Displays of gender identity through dress, demeanor, language and which may or may not conform to the socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender Non-Conforming: Individuals who display gender traits which are not generally associated with the sex assigned to them at birth. Gender Non-Conforming individuals may or may not identify as male, female, or transgender.

Cisgender:A term used for a person who is not transgender.

Sex assigned at birth: The designation of "female" or "male" sex based on a visual inspection of anatomy at birth by a medical professional.

Apart from one's birth sex as male or female, an individual may identify as a particular gender and express the gender in various ways.For example, males express masculinity in different ways and females express femininity in different ways. Likewise, transgender individuals express femininity and masculinity in different ways and in ways that may not be consistent with their sex at birth.

375.2 POLICY

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution prohibits differential treatment of similarly situated people based on certain protected characteristics, including sex, transgender status, and perceived failure to conform to gender stereotypes. Discrimination against transgender and gender-non-conforming people is also prohibited in virtually every area of life in California including housing, employment, education, insurance, and public accommodations.

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375.3 CONTACT WITH TRANSGENDER INDIVIDUALS

1. Department Members' contacts with transgender individuals shall be professional, respectful, and courteous.
2. Department Members shall not use language that a reasonable person would consider demeaning to another person, in particular, language that references a person's gender identity, gender expression, or sexual orientation.
3. Department Members shall treat transgender persons in a manner that shows respect for the individual's gender identity and gender expression, which includes addressing them by their preferred name and using gender pronouns appropriate to the individual's gender self-identity and expression.

375.4 DETERMINING HOW TO ADDRESS A TRANSGENDER INDIVIDUAL

1. When a person identifies himself/herself as transgender, Department Members shall respect the expressed gender.
2. If the individual does not self-identify as transgender, the following shall apply:
   (a) When the intention of a person's gender presentation is clear to a reasonable person (based on attire and other cues), it is appropriate to use this as a basis for gender determination.
   (b) When a person's gender is unclear or the Department Member is not certain of the person's gender identity, it is appropriate to inquire how the individual wishes to be addressed (e.g., Sir, Ma'am) and the name by which the individual wishes to be addressed. This name shall be noted as an "also known as" (AKA) if it differs from the individual's legal name.
   (c) If a transgender person is unwilling to provide information that enables the Department Member to know what name and/or gender is preferable, then the Department Member should make a determination about the person's gender based on the person's gender expression (i.e., clothing, language, demeanor) and any other evidence available to the Department Member. For example, if the person is clearly dressed like a woman and is presenting as a woman, then the person should be recognized and addressed as a woman.
3. Any information obtained about an individual's transgender status (e.g., preferred name and gender pronoun) should be documented and provided to relevant Department Members for the purpose of ensuring continuity of appropriate treatment.
4. Under no circumstances shall Department Members disclose to non-involved persons that an individual is transgender. As with other policies, a need to know basis should guide decisions about disclosure.

375.5 HANDLING CALLS FOR SERVICE AND CITIZEN COMPLAINTS INVOLVING TRANSGENDER INDIVIDUALS

1. Request for service or complaints generated by transgender individuals shall be addressed or investigated in a manner that is consistent with Department policy.

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2. Citizen complaints against Members (sworn or professional staff) or those concerning the quality of Sheriff services shall be handled in accordance with established Department policy.
3. A Member shall not fail to respond to a call for service or complaint on the basis of the gender identity or expression and/or sexual orientation of the caller or complainant.

375.6 FIELD SEARCHES INVOLVING TRANSGENDER INDIVIDUALS

1. A search shall not be performed for the sole purpose of determining an individual's anatomical gender.
2. Transgender individuals shall not be subject to more invasive search procedures than non-transgender individuals.
3. When an individual is identified as a transgender person, Department Members shall respect the gender identification expressed by the individual.
4. Deputies should not inquire about the intimate details of an individual's anatomy or surgical status to determine an individual's gender because no proof of an individual's gender is required. For specific considerations related to booking and classification, refer to the CCOM.
5. Requests to remove appearance related items, such as prosthetics, clothing that conveys gender identity, wigs, and cosmetics shall be consistent with requirements for the removal of similar items for non-transgender individuals.
6. A Deputy shall not refuse to search a transgender arrestee based upon the arrestee identifying as transgender.

375.7 TRANSPORTING OF TRANSGENDER ARRESTEES

1. When transporting a transgender individual, deputies shall give the dispatcher the name, DOB, mileage to the tenth of the mile, point of departure, and destination.
2. Whenever practical, a transgender individual shall be transported apart from other arrestees.

375.8 REPORT WRITING

Note: The explanation of a person's transgender identity in the first paragraph of the narrative preserves respect for the individual. Maintaining his or her legal name on the face page of the report avoids confusion with service of subpoenas and court appearances. When arresting a transgender suspect whose legal name does not match the name he or she is currently using include the name he or she uses in the "AKA" box on the face page of the report (in addition to the narrative section as described above).

Department Members are also required to comply with Policy 317 (Victim Confidentiality), if applicable.

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Handguns

380.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of handguns. The Sheriff or his/her designee shall approve all Department handguns before they are acquired and utilized by any Member of this Department.

Those Members presenting good cause may be exempt from applicable sections of this policy by the Training Division Commander with the concurrence of the Member's Commander.

380.2 AUTHORIZED DUTY HANDGUNS

1. No handguns shall be carried that have not been thoroughly inspected by an authorized Department Armorer and passed the official inspection. Except in an emergency or as directed by a supervisor, no handguns shall be carried by a Member who has not qualified with that handgun at an authorized Department range. The authorized Department Armorer listed in this policy is specified by the Training Division Commander within the Firearms Training Unit (FTU).
2. The department prohibits any unauthorized artwork, inscriptions or symbols that alter the factory appearance of any firearm carried on duty and in the course and scope of employment.

380.2.1 DEPARTMENT ISSUED DUTY HANDGUNS

1. Members, based on duty assignment and upon meeting all Department requirements, shall be issued a 9x19, .40 S&W, or.45 ACP caliber semi-automatic handgun or may purchase an authorized handgun at their own expense.
2. Department issued handguns are the sole property of the Department and shall be returned immediately upon request or separation from employment.
3. Any unauthorized modification to the Department issued handgun is strictly prohibited.
4. Any repairs or authorized modifications shall only be performed by authorized Department Armorers. A list of authorized modifications shall be kept on file with the Training Division Commander.
5. Double-action/single-action handguns shall be de-cocked to double-action when holstered.
6. All Department issued handguns used for duty shall only be used with Department approved ammunition. All remanufactured ammunition or "reloads" are strictly prohibited from being used in Department issued handguns.

380.2.2 PRIVATE PURCHASE HANDGUNS FOR PRIMARY DUTY USE

1. Due to the ever-changing manufacturers and models of handguns, the Training Division Commander shall be responsible for maintaining an addendum of manufacturers and models of handguns that meet the appropriate criteria for private purchase handguns for primary duty use.

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2. Any Department approved semi-automatic handguns in 9x19, .40 S&W or .45 ACP caliber. The handgun shall have a barrel length of at least 3 inches and be capable of holding at least 7 rounds.
3. The handgun shall include an integral accessory rail.
4. A Department approved duty holster is required for the use of a private purchased handgun for primary duty use. The holster for private purchased handguns will not be supplied by the Department and shall be purchased at the Member's expense. A list of brands and security level of the holster shall be maintained by the Training Division Commander.
5. The private purchased handgun shall be registered to the Department Member if it is to be used as a primary duty handgun.
6. Before the Department Member carries a private purchased handgun on duty, the handgun shall be inspected by the Department Armorer and pass official inspection. The Department Member shall pass the prescribed qualification course with that handgun.
7. Any and all modifications shall have the approval of the Department Armorer prior to installation. A list of approved modifications shall be maintained by the Training Division Commander.
8. Department Members electing to privately purchase a handgun for primary duty use shall return any primary duty handgun previously issued by the Department.

380.2.3 PRIVATE PURCHASE HANDGUNS FOR NON-UNIFORM PRIMARY DUTY USE

1. Department Members who work in a non-uniform assignment may choose to purchase an additional handgun for primary duty use.
2. Any handgun intended for non-uniform, primary duty use shall comply with all requirements specified in Policy 380.2.2 (Private Purchase Handguns for Primary Duty Use).
3. Secondary compact weapons shall not be worn in a uniform enforcement assignment as a replacement to a primary duty weapon.
4. Department Members who choose to carry an additional handgun shall qualify with the additional handgun and their primary duty handgun, pursuant to the Member's required qualification schedule.

380.2.4 AMMUNITION FOR PRIMARY DUTY HANDGUN

1. Department Members shall only carry Department-approved duty ammunition in their handguns while on duty. The Sandra Hutchens Regional Law Enforcement Training Center Armory shall maintain an addendum of authorized Department duty ammunition.
    (a) Uniformed Members shall carry a minimum of three fully loaded magazines. One in the handgun and two on their duty belt. No less than 36 rounds of ammunition shall be carried in fully loaded magazines.

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(b) Department Members operating in an administration capacity, Deputy Coroners, non-uniformed Members including armed Members who wear civilian attire (undercover) shall carry a minimum of two fully loaded magazines. One loaded magazine in the handgun and one additional magazine on their person.

2. Remanufactured ammunition or "reloads" are strictly prohibited from being used in handguns owned by the Department.

3. The Department Armorer shall issue initial allotments of 9x19, .40 S&W, or .45 ACP caliber duty ammunition during initial handgun distribution/inspection.

   (a) The Department shall provide a new box of duty ammunition every year, during the Member's annual anniversary inspection date.

   (b) Department Members who choose to carry an additional handgun for non-uniform, primary duty use shall carry only Department approved duty ammunition.

380.2.5 CARRY CONDITION FOR PRIMARY DUTY HANDGUN

All armed Department Members shall carry the primary duty handgun in the patrol ready condition described below while on duty.

1. Patrol ready condition is a round loaded in the chamber with a fully loaded magazine inserted into the handgun and, if applicable, on safe. If primary duty handgun is a double action/single action, the handgun shall be de-cocked.

380.2.6 INSPECTIONS OF PRIMARY DUTY HANDGUNS

1. Department owned and private purchased handguns carried on duty shall be inspected by the Department Armorer prior to being approved for carry. It is the responsibility of the Department Member to bring all equipment in for annual inspection during the anniversary hire month.

2. Handguns shall be cleaned prior to the annual inspection. Handguns deemed to be unsafe by the Department Armorer shall not be carried on duty until the deficiency has been corrected.

3. The serial numbers and descriptions of all Department issued and private purchased handguns carried on duty shall be recorded and maintained by the Department Armorer.

380.3 SINGLE ACTION CARRY HANDGUNS

1. Single Action Only (SAO) handguns for on or off-duty use are optional for Department Members who meet the requirements of the program set forth by the Firearms Training Unit. Department Members must maintain safe weapon handling and qualification standards or may be subject to removal from the program.

2. Department Members shall successfully complete OCSD's 1911/2011 SAO Transition Course before they can carry an approved handgun designed to be carried in Single Action on or off-duty.

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3. Any handgun intended for duty use shall comply with all requirements specified in Policy 380.2.2 (Private Purchase Handguns for Primary Duty Use).
4. Any handgun designed to be carried in single action shall have a functional manual thumb-activated safety selector.
5. Any handgun with a grip safety shall retain the feature as designed.
6. Any handgun designed to be carried in single action shall have the manual thumb safety engaged when holstered.

380.4 PRIMARY DUTY HANDGUN QUALIFICATION

1. All Members shall follow all Firearms Safety Rules and General Range Rules. Any violation of these rules may result in progressive discipline, up to and including termination.
2. All Members shall qualify with their primary duty handgun on an approved course of fire on a prescribed basis.
   (a) Department shooting standards shall be a minimum of 80% score on any approved course of fire.
   (b) No score shall be considered qualifying unless fired in accordance with the established rules for the course.
   (c) Qualification shall be conducted at an authorized range by an authorized FTU Staff Member.
   (d) Members shall qualify according to the schedule set up and maintained by the FTU Sergeant.
   (e) SWAT Team Members shall adhere to their specified qualification procedures.
   (f) Members are allowed one attempt to qualify at the 80% Department standard. Any Member who fails to achieve the required minimum performance standards will immediately receive remediation with a FTU instructor. The Member will then be given the opportunity to immediately re-qualify. At the conclusion of these two attempts, any Member who fails to meet the Department's required minimum performance standards will be scheduled for training and re-qualification by the FTU. This training and re-qualification will take place as soon as possible, prior to the Member's next scheduled work day following their failure to qualify. At the conclusion of this training session, the Member will be required to re-qualify and meet the Department's minimum performance standard.

380.4.1 PRIMARY DUTY HANDGUN QUALIFICATION SCHEDULE

Department Members shall qualify according to their primary duty assignment pursuant to the Department qualification schedule, or as directed by the Training Division Commander.

(a) Qualification schedules are as follows:
   1. 1st Quarter - January through March
   2. 2nd Quarter - April through June

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3. 3rd Quarter - July through September
4. 4th Quarter - October through December

(b) Department Members at the rank of Lieutenant and above are required to qualify bi-annually. Specifically, once between January and June and once between July and December.

(c) Department Members at the rank of Sergeant, Investigator, Deputy I and Deputy II, and Sheriff's Special Officers, assigned to Patrol Operations and Investigations & Special Operations Command are required to qualify quarterly.

(d) Department Members at the rank of Sergeant, Investigator, Deputy I and Deputy II, and Sheriff's Special Officers, assigned to Custody Operations Command, Professional Services, and Administrative Services Command are required to qualify bi-annually. Specifically, once between January and June and once between July and December.

(e) Deputy Coroners and Reserve Officers are required to qualify bi-annually. Specifically, once between January and June and once between July and December.

380.4.2 FAILURE TO ATTEND QUALIFICATION WITH PRIMARY DUTY HANDGUN

1. All Department Members who carry a handgun in the course and scope of their employment with the Department shall be required to attend qualification sessions in accordance with their specific qualification schedule.
2. Any Member who fails to attend a scheduled qualification session shall notify their immediate supervisor.
3. Failure to qualify could result in discipline.
4. The notification process when a Member fails to attend a required qualification session shall, at a minimum, consist of the following:
   (a) At the completion of each shooting qualification period, the FTU staff shall prepare a list of the names of Members who failed to attend qualification as required. The list shall also include the most recent two year shooting qualification history of each Member that failed to qualify.
   (b) A failure to qualify internal memo with the attached shooting qualification two year history of each Member who failed to shoot will be sent to the Training Division Commander. The Professional Services Command Assistant Sheriff, or his or her designee, shall forward the internal failure to attend qualification memos to the Commander where each Member is assigned.
   (c) The Member's Commander shall determine the appropriate discipline for the member's that failed to attend qualification.

380.4.3 FAILURE TO QUALIFY WITHIN A YEAR OF PREVIOUS QUALIFICATION

Members, with the exception of those on Military leave, who fail to qualify within one year from their previous qualification shall be required to surrender all Department handguns and ammunition to the Sandra Hutchens Regional Law Enforcement Training Center Armory. Department handguns and ammunition shall be returned to the Member immediately upon returning to duty at which

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time the Member shall qualify with the weapons to meet qualification requirements in accordance with this policy.

380.5 AUTHORIZED OVERTIME

1. Whenever possible, handgun qualification shall be accomplished during regular duty hours.
2. If necessary, overtime shall be authorized for those Members who are unable to qualify during on-duty hours. The amount of overtime authorized shall be determined by the location of the Member's assigned work location and shall require the Commander's prior approval.
    (a) Members assigned to the Headquarter complex, the Theo Lacy Facility and Airport shall receive one hour of overtime per qualification period.
    (b) Members assigned to James A. Musick Facility, Newport Harbor, and Sunset Harbor shall receive one and one half hours of overtime per qualification period.
    (c) Members assigned to the Southeast and Southwest Substations and Dana Point Harbor shall receive two hours of overtime per qualification period unless qualification is provided at the Southwest Substation Mobile Pistol Range.
    (d) Deputies assigned a C.I.R.T. rifle shall receive three hours of overtime credit per qualification, which includes handgun qualification.

380.6 HANDGUN PERISHABLE SKILLS PROGRAM (PSP)

Handgun Perishable Skills Training mandate: Members shall attend and successfully pass the Department-approved, 4-Hour handgun course on a biennial basis as part of the Department's P.O.S.T. Perishable Skills Training Cycle. The rank of Lieutenant and above are exempt from this requirement.

380.7 HANDGUN WEAPON-MOUNTED LIGHTS (WML)

The handgun weapon mounted light (WML) systems is required for all sworn uniformed Members assigned to and working in Patrol Operations. The WML is voluntary for all other Members. Those Members presenting good cause may be exempt from applicable sections of this policy by the Training Division Commander with the concurrence of the Member's Commander. Written exemption must be presented to the Range staff upon qualification or during the Member's annual duty handgun inspection. The following directives shall provide the guidance necessary to implement the use of WMLs for general enforcement Members:

1. If the Department-issued duty handgun is issued with a WML, it shall be attached to the weapon and carried for all uniformed duty enforcement.
2. The WML shall be activated by use of the standard toggle type switch and shall have an output of at least 500 lumens. Members assigned to K9, HDS, SWAT may use a pressure switch to activate their WML.
3. The duty holster shall be designed for the handgun with the WML attached. If the Department Member elects to purchase his/her own Department-approved duty holster, the holster shall comply with Policy 1046.23 Holsters.

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4. The Training Division Commander shall maintain an addendum of approved WML brands and models.
5. The WML shall be attached to the handgun when using a holster designed for a handgun with WML.
6. All mandated qualifications (quarterly, monthly, etc.) shall be completed with the WML system attached to the handgun.
7. Members shall have their WML inspected annually by the Department Armorer as part of the annual duty handgun inspection.

380.8 PISTOL MOUNTED OPTIC (PMO)

1. Duty handguns may be equipped with an optional pistol mounted optic (PMO). Department members who have completed the Department's PMO course may be issued a department handgun equipped with a PMO. Department Members choosing to use their own PMO,shall provide a Department-approved PMO, and the required accompanying equipment such as backup iron sights, PMO mounting plate and holster at their own expense. Authorized equipment requirements are subject to change. It is the Department Member's responsibility to ensure their equipment is in compliance with any of the changes.
2. It is highly recommended to consult an authorized Department Armorer prior to any purchases. For detailed information on approved equipment options pertaining to the duty handgun with PMO program, refer to the addendum maintained by the Training Division Commander.
    (a) Only approved models of the PMO shall be permitted.
    (b) Only handguns with approved PMO mounting solutions shall be permitted. Members are strictly prohibited from making any modifications to Department issued handguns to accommodate a PMO.
    (c) Gunsmith machining on personally-owned handguns to accommodate a PMO is permitted, but shall follow all guidelines listed on the addendum maintained by the Training Division Commander. An authorized Department Armorer should also be consulted prior to making any modifications.
    (d) Backup iron sights shall be installed and tall enough to be seen through the PMO optic window.
    (e) A Department-approved PMO compatible duty holster shall be used.
3. Department Members shall have their handgun, PMO, and all accompanying equipment inspected by an authorized Department Armorer prior to deploying the system on duty.
4. On Department-issued handguns equipped with a factory PMO mounting solution, installation of the PMO and backup iron sights shall be performed by an authorized Department Armorer only.

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5. After the initial inspection and installation, Department Members shall successfully complete OCSD's PMO Handgun Course or PMO training in the academy before they can carry their PMO equipped handgun on or off-duty.
6. Department Members shall have their handgun, PMO, and compatible duty holster inspected by an authorized Department Armorer annually.
7. Department Members shall be responsible for the maintenance of their equipment.

380.9 AUTHORIZED ON-DUTY, BACKUP HANDGUNS

1. The backup handgun is carried as a last effort of defense. All rules, regulations, and laws governing the use of deadly force apply to the use of this handgun.
2. Department Members are authorized to carry only one approved backup handgun in addition to, and at the same time, as their duty handgun. The Training Division Commander shall maintain an addendum of approved manufacturers and models suitable for on duty backup.
3. Single Action Only (SAO) handguns are permitted after successfully completing OCSD's 1911/2011 SAO Transition Course.
4. Department Members who choose to carry a backup handgun shall carry only Department approved duty ammunition.

380.9.1 INSPECTION OF BACKUP HANDGUNS

1. Before any Member carries one of the approved backup handguns on duty, the handgun shall be inspected by an authorized FTU Armorer.
2. The handgun shall be inspected annually on the Member’s anniversary date as required in this policy.
3. The serial numbers and descriptions of all personal and Departmental handguns, carried as backup duty weapon, shall be recorded and maintained at the Training Facility.

380.9.2 CARRYING THE BACKUP HANDGUN

1. Members shall carry their backup handgun in a holster at all times. Ankle holsters are not authorized. The entire handgun shall be concealed from public view. Holsters shall be inspected by the Sandra Hutchens Regional Law Enforcement Training Center Armory at the time the backup handgun is approved.

380.9.3 QUALIFICATION WITH THE BACKUP HANDGUN

1. Members who are authorized to carry an on duty backup handgun shall qualify on the approved “backup/off duty qualification course” set forth by the FTU prior to use.
2. Subsequent qualifications shall occur annually on or before the Member's anniversary date.

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380.10 OFF-DUTY HANDGUNS AND OUT OF STATE CONCEALED CARRY

Qualified active full-time deputies are authorized to carry concealed firearm in all states subject to the following conditions (18 United States Code 926B and C):

1. The deputy shall carry his/her Department identification card whenever carrying such handgun.
2. The deputy is not the subject of any current disciplinary action, which could result in suspension or loss of police powers.
3. The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
4. Handguns carried off duty shall be registered to the Department Member carrying it. Department Members are allowed to register a total of 4 off duty handguns.
5. The Training Division Commander shall maintain an addendum of approved manufacturers and models suitable for off duty carry.
6. Department Members who choose to carry an off duty handgun shall carry only Department approved duty ammunition.

380.10.1 INSPECTION OF OFF DUTY HANDGUNS

1. Before any Member carries an approved off duty handgun, the handgun shall be inspected by an authorized FTU Armorer.
2. The handgun shall be inspected annually on the Member's anniversary date as required in this policy.
3. The serial numbers and descriptions of all personal and Departmental handguns, carried as an off duty weapon, shall be recorded and maintained at the Training Facility.

380.10.2 CARRYING THE OFF DUTY HANDGUNS

1. Members shall carry their off duty handgun in a holster at all times. Ankle holsters are not authorized. The entire handgun shall be concealed from public view. Holsters shall be inspected by the Sandra Hutchens Regional Law Enforcement Training Center Armory at the time the handgun is approved.

380.10.3 QUALIFICATION WITH OFF DUTY HANDGUN(S)

1. Members who are authorized to carry an off duty handgun shall qualify on the approved "backup/off duty qualification course" set forth by the FTU prior to use.
2. Subsequent qualifications shall occur annually on or before the Member's anniversary date.

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 an officer from arrest and prosecution in such locally restricted areas.

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Visiting active and retired/separated peace officers from other states are subject to all requirements set forth in 18 United States Code 926B and C.

380.10.4 LEVEL 1, 2, 3 RESERVES AND SHERIFF'S SPECIAL OFFICERS WITH A LICENSE TO CARRY A CONCEALED WEAPON (CCW) PERMIT

(a) Reserves (Level 1, 2, and 3) and Sheriff's Special Officers with a license to carry a concealed weapon (CCW) permit shall not carry their Department issued duty weapon while off duty.

(b) It is the policy of this Department to allow Reserves (Level 1, 2, and 3) and Sheriff's Special Officers to lawfully transport firearms to and from duty.

380.11 STORAGE OF FIREARMS

Members shall ensure that all Department issued or approved firearms and ammunition are locked and/or secured while in their homes, vehicles or any other area under their control in a manner that shall keep them inaccessible to others. Members shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 25100.

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

380.11.1 STORAGE IN VEHICLES

When leaving a firearm in an unattended vehicle, Members shall ensure that it is locked in the trunk, or in a locked container which is placed out of view, or in a locked receptacle/container that is permanently affixed to the vehicle's interior and not in plain view, or lock the handgun in a locked toolbox or utility box. The term "locked container" does not include the utility or glove compartment of a motor vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).The term "locked toolbox or utility box" means "a fully enclosed container that is permanently affixed to the bed of a pickup truck or vehicle that does not contain a trunk, and is locked by a padlock, keylock, combination lock, or other similar locking device." (Penal Code § 25140).

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

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Shotgun

381.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of a shotgun. The Sheriff or the Sheriff's designee shall approve all Department shotguns before they are acquired and utilized by any Member of this Department.

Those Members presenting good cause may be exempt from applicable sections of this policy with approval from both the Training Division Commander and the Member's Commander. The exemption authorization form will be generated by the range sergeant, approved and signed by both commanders, scanned and stored on the Training Division's network drive.

381.2 AUTHORIZED SHOTGUN

Department-issued shotguns are the sole property of the Department and shall be returned immediately upon request or separation from employment.

Private-purchased shotguns are not authorized for duty use.

381.3 SHOTGUN INSPECTION

Authorized shotguns must pass inspection by a Department Armorer before being deployed for duty use.

(a) Shotguns shall be inspected annually by a Department Armorer.

(b) Repairs to a Department-issued shotgun shall be performed by a Department Armorer.

(c) Any modifications to a Department-issued shotgun are strictly prohibited unless authorized and performed by a Department Armorer.

381.4 SHOTGUN QUALIFICATION

(a) Department Members trained with a shotgun shall qualify with a Department-approved shotgun annually.

(b) Department Members at the rank of Lieutenant or above who choose to use a shotgun shall qualify with a Department-approved shotgun annually. Otherwise, all Members with the rank of Lieutenant or above and Deputy Coroners are exempt.

(c) Failure to pass qualification standards with a shotgun may result in the on-duty use being revoked.

381.5 FAILURE TO ATTEND SHOTGUN QUALIFICATION

1. Any Member who fails to attend a scheduled shotgun qualification session shall notify their immediate supervisor.
2. The notification process when a Member fails to attend a required qualification session shall, at a minimum, consist of the following:
    1. At the completion of each shooting qualification period, the Firearms Training Unit staff shall prepare a list of names of Members who failed to attend

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qualification as required. The list shall also include the most recent two year shooting qualification history of each Member that failed to qualify.

2. A failure to qualify internal memo with the attached shooting qualification two year history of each Member who failed to shoot will be sent to the Training Division Commander. The Professional Services Command Assistant Sheriff, or their designee, shall forward the memos to the Commander of each Member.

3. Failure to attend shotgun qualification within the allotted time frame may result in discipline.

381.6 CARRY CONDITION OF THE SHOTGUN

1. All Department Members shall carry the shotgun in the "Patrol Ready" condition while on duty. "Patrol Ready" condition is: No round in the chamber, action closed and locked, hammer cocked, safety on, and the magazine tube loaded to full capacity.

2. Department Members shall use a clearing barrel if it is available when loading or unloading a shotgun. If a clearing barrel is unavailable, the shotgun shall be pointed in the safest direction. In these situations, Department Members should adhere to the Fundamental Rules of Firearm Safety course.

381.7 AUTHORIZED SHOTGUN AMMUNITION

(a) Department members shall only carry Department-approved ammunition for duty use in all Department-issued shotguns. The Sandra Hutchens Regional Law Enforcement Training Center Armory shall maintain an addendum of authorized duty shotgun ammunition.

(b) Department Members shall carry a minimum of ten rounds of duty shotgun ammunition.

(c) Damaged duty shotgun ammunition should be removed from service immediately.

(d) Shotguns designated as Lethal shotguns shall only be used with lethal duty ammunition.

(e) Shotguns designated as Less-Lethal shotguns shall only be used with less-lethal ammunition

381.8 STORAGE AND TRANSPORTATION IN A DEPARTMENT-OWNED VEHICLE

1. The shotgun shall be stored in the "Patrol Ready" condition. If the Department Member utilizes a sedan, the shotgun shall be stored in either a locked rack or kept in a container, case, or bag inside a locked trunk, inaccessible from the cabin. If the Department Member utilizes a SUV, truck, or other vehicle that does not have a trunk, the shotgun shall be stored in either a locked rack or locked and secured in the rear cargo area, inaccessible from the cabin. Shotguns stored in the rear cargo area shall be kept inside a container, case, or bag. Shotguns stored on vessels shall be in a locked rack or locked inside an affixed container when left unattended.

2. Refer to Policy 380.11 STORAGE OF FIREARMS. Shotguns need to be stored in a Department Armory between shifts. A Member's Commander may provide an exemption for the storing of Department owned shotguns, e.g. training,.

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Patrol Rifle

382.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of a patrol rifle. The Sheriff or his/her designee shall approve all Department patrol rifles before they are acquired and utilized by any Department Member.

Those Members presenting good cause may be exempt from applicable sections of this policy with approval from both the Training Division Commander and the Member's Commander. The exemption authorization form will be generated by the range sergeant, approved and signed by both commanders, scanned and stored on the Training Division's network drive.

382.2 PARTICIPATION IN THE CRITICAL INCIDENT RESPONSE TEAM (CIRT) PROGRAM

(a) Participation in the CIRT program is based on the Department Member's assignment. The approval of the program's participation is at the sole discretion of the Department.

(b) As part of the certification process, the CIRT Member must successfully complete OCSD's POST-approved 40-hour CIRT Course and the 20-hour Multi-Assault Counter Terrorism Action Capabilities (MACTAC) and Active Shooter course.

(c) To remain in the CIRT program, the Member must successfully complete rifle qualifications on a quarterly basis.

(d) Only full-time sworn Department Members, with the rank of Deputy and above, are eligible to participate in the CIRT program.

382.3 AUTHORIZED ASSAULT RIFLE FOR PATROL

Authorized rifles must pass inspection by an authorized Department Armorer before being deployed for duty use. Theauthorized Department Armorer listed in this policy is specified and appointed by the Training Division Commander within the Firearms Training Unit (FTU).

382.3.1 GENERAL SPECIFICATIONS FOR PATROL RIFLES

1. Caliber: 5.56 x 45mm or .223 Wylde
2. Platform: AR-15, semi-automatic
3. Barrel Length:
   (a) The Barrel overall length MUST be a minimum of 16" for private-purchase rifles.
   (b) Short-barreled rifles (SBR's) will not be authorized for private purchase (CPC 33210). A SBR is a rifle with an overall barrel length of less than 16" or an overall length of less that 26".
4. Barrel Twist Rate: 1:7, 1:8, and 1:9
5. Sights: A list of Department-approved sights and optics shall be specified in the addendum maintained by the Training Division Commander.
6. Color: Black, gray, brown, green, or tan

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382.3.2 DEPARTMENT-ISSUED PATROL RIFLE

Upon successful completion of OCSD's POST approved CIRT and Multi-Assault Counter Terrorism Action Capabilities (MACTAC) courses, Members may be issued a department-owned patrol rifle.

Department-issued rifles are the sole property of the Department. The rifle shall be returned immediately upon the request or separation from the CIRT program and/or Department.

382.3.3 PRIVATE PURCHASE OF ASSAULT RIFLE FOR DUTY USE

California Penal Code Section 30630, subdivision (a) allows for the possession or use of an assault weapon by a sworn peace officer for a law enforcement purpose, whether on or off duty. Section 30630, subdivision (b) allows for the delivery, transfer, and sale of an assault weapon to a sworn peace officer provided that the peace officer is authorized by his or her employer to possess or receive the assault weapon.

Required authorization is defined as verifiable written certification from the head of the agency, identifying the recipient or possessor of the assault weapon as a peace officer and authorizing him or her to receive or possess the specific assault weapon, CPC 30630 (b) (1).

Upon successful completion of OCSD's POST approved CIRT and Multi-Assault Counter Terrorism Action Capabilities (MACTAC) courses, sworn Members may purchase (at their expense) an authorized assault rifle with a written certification from the Sheriff. To request this written certification from the Sheriff, sworn Members may submit the request to the Firearms Training Unit (FTU) Sergeant. The serial number and description of the weapon shall be recorded and maintained by the Range Armory.

Current California law does not allow for the conversion of an assault weapon to a California compliant weapon (i.e., bullet button) nor does the current California law allow for a California compliant weapon to be converted, registered, and utilized as an assault weapon by on or off duty sworn Members.

Purchase and retention of weapons under this program are subject to changes in California and/or Federal law. It is the responsibility of the Member to ensure his/her compliance with any applicable law, including registration requirements, and adherence to Department policy.

1. Due to ever-changing technological advances in firearms and accessories, the Training Division Commander shall be responsible for maintaining an addendum of authorized rifle manufacturers, models, and accessories that meet the appropriate criteria for private-purchase rifles.
2. All rifles, accessories, and equipment must be inspected and approved by an authorized Department Armorer prior to deployment.

382.4 RIFLE INSPECTION

1. Any patrol rifle used in a duty capacity will be inspected annually by an authorized Department Armorer.

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2. Any modifications to a Department-issued rifle are strictly prohibited unless authorized and performed by an authorized Department Armorer.
3. Repairs to a Department-issued rifle shall be performed by anauthorized Department Armorer.

382.5 RIFLE QUALIFICATION

1. All CIRT rifle qualifications apply in accordance with POST and Department mandates on a quarterly basis dependent upon FTU's requirements.
2. Failure to pass qualification standards with a patrol rifle may result in the on-duty use privilege of the patrol rifle being revoked and removal from the CIRT program.
3. Failure to attend patrol rifle qualification within the allotted time frame may result in discipline.
4. Department Members assigned to CIRT may receive a maximum of three hours of overtime per qualification if the Member is unable to qualify during normal scheduled hours.

382.6 AUTHORIZED AMMUNITION FOR PATROL RIFLE

1. Department Members shall only carry Department-approved duty ammunition for duty use in all Department-approved rifles.
2. All Department-issued rifles and Department-approved personally owned rifles used while on duty shall only be used with Department-approved ammunition even during training classes and practice.
3. Re-manufactured ammunition, or "reloads," are strictly prohibited in any Department-approved rifles. A list of Department-approved duty and training ammunition shall be specified in the addendum maintained by the Training Division Commander.
4. Department Members shall carry a minimum of three fully-loaded magazines of department-approved duty ammunition.
5. The Department shall issue an initial allotment of duty ammunition during the initial rifle issuance.
6. A new allotment of duty ammunition shall be issued to Department Members active in the CIRT program annually.

382.7 CARRY CONDITION OF THE PATROL RIFLE

All Department Members shall carry the patrol rifle in the "Patrol Ready" condition while on duty.

"Patrol Ready" condition is: No round in the chamber, bolt closed, hammer cocked, safety on, a loaded magazine inserted, and the ejection port cover closed.

382.8 STORAGE AND TRANSPORTATION

For privately owned Patrol Rifles refer to Policy 380.11 STORAGE OF FIREARMS. Department-owned Patrol Rifles shall be stored in a Division approved storage location designated by their Division Commander between shifts. The list of approved storage locations can be found in the

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"Patrol Rifle Approved Storage Location Addendum" on the Department Intranet. A Department Member's Division Commander, or designee may provide a temporary exemption for the storage of Department-owned Patrol Rifles(e.g., Department training). These approved weapon storage locations shall be inspected annually by the Division's assigned Commander.

Division approved storage locations shall not be utilized for the long-term storage or distribution of Patrol Rifles. All long-term storage and distribution of Patrol Rifles will occur only at the Department Armory located at the Sandra Hutchens Regional Law Enforcement Training Center (SHRLETC). Long-term storage is required when a member is no longer active in the CIRT program or is on some type of long-term leave (e.g., military, workers' comp, administrative, etc.). In these cases, the rifle shall be returned to the Department Armory at the SHRLETC.

382.8.1 STORAGE OF RIFLE IN A PERSONAL VEHICLE
Department Members shall ensure that an assault weapon is unloaded during transport and in a locked container. A "locked container" means a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device. The term "locked container" does not include the utility or glove compartment of a motor vehicle (Penal Code § 16850, Penal Code § 25140, Penal Code § 25452).

Department Members are exempt from this requirement during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

382.8.2 STORAGE AND TRANSPORTATION IN A DEPARTMENT-OWNED VEHICLE
The patrol rifle shall be stored in the "Patrol Ready" condition. If the Department Member utilizes a sedan, the patrol rifle shall be stored in a locked rack or kept in a container, case, or bag inside a locked trunk, inaccessible from the cabin. If the Department Member utilizes a SUV, truck, or other vehicle that does not have a trunk, the patrol rifle shall be stored in either a locked rack or locked and secured in the rear cargo area, inaccessible from the cabin. Patrol rifles stored in the rear cargo area shall be kept inside a container, case, or bag. Patrol rifles stored on vessels shall be in a locked rack or locked inside an affixed container when left unattended.

382.9 SEPARATION FROM THE DEPARTMENT AND DISCONTINUANCE OF PEACE OFFICER STATUS

Upon the Member's separation from the Department, and if the Member has not transferred to be a peace officer with an agency specified in Penal Code section 30625, Members who have purchased an assault weapon under the above listed guidelines shall surrender the firearm, or the stripped serialized lower receiver of the weapon to the Department, or transfer the weapon to a state where an assault weapon is legal to possess by a private citizen.

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Less Lethal

384.1 POLICY

The Department is committed to reducing the potential for violent confrontations. Less lethal systems 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. While the option to consider a less lethal system is available, nothing in this policy shall require any Member to deploy such an option when the Member reasonably believes, based on the totality of the circumstances, that the use of deadly force is necessary, in accordance with policy 300. This Policy identifies the types of less lethal systems authorized by the Department and requirements and guidelines for use.

384.1.1 DEFINITIONS

Kinetic energy projectile: Any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. The term includes but is not limited to items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds (Penal Code § 13652).

Chemical agents: Any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. The term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepperballs, pepper spray, or oleoresin capsicum (Penal Code § 13652).

384.2 USER REQUIREMENTS

1. Only Members who have completed the course of instruction on the use of the Department's less lethal systems are authorized to carry or use them. Members who have been trained in the use of less lethal systems may deploy the device when the use of force complies with Department policies. The option to deploy a less lethal system shall be left to the discretion of the involved Members based upon the totality of the circumstances at that time.
2. The less lethal system may be used for the purpose of compelling an individual to cease his or her violent or potentially violent actions by using the less lethal munitions and kinetic energy projectile directly on the suspect.
3. An evaluation of the tactical situation shall be made by the Members on scene, taking into consideration available circumstances which may include but not limited to the following:
    (a) The suspect's stated or exhibited intent to violently resist being taken into custody and the credibility of that threat as evaluated by the on scene Member(s).
    (b) Additional information immediately available to the Member(s), such as knowledge of the subject's expertise in martial arts or other unarmed defensive tactics.

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(c) The suspect is armed with a potentially deadly weapon such as a knife, club, nunchakus, etc.

(d) Indications of drug use or alcohol intoxication.

(e) The suspect's physical stature and clothing worn. For example, a subject who has a thin build and is not wearing a shirt presents a different set of conditions compared to an individual who is heavy-set and wearing a jacket.

(f) Due to their physical condition, use of less lethal munitions against minors, the elderly, and pregnant women (For inmates known to be pregnant, refer to section 384.2.3(g)) should be avoided unless there are unique circumstances present that would justify such deployment.

(g) In Custody and Court Operations, inmates known to be pregnant shall not be tased, pepper sprayed or exposed to other chemical weapons (Penal Code § 4023.8(h)). Correctional Health Services shall evaluate inmates for pregnancy upon intake and follow-up as needed. Inmates medically confirmed to be pregnant will be issued pink pants and are required to wear them while in custody. Deputies may rely on the inmate's clothing to determine whether an inmate is pregnant.

(h) Availability of other force options and their possible effectiveness and appropriateness.

(i) Indications that attempts to subdue the subject through the use of control holds or self-defense techniques would be ineffective.

(j) A reasonable expectation it will be more dangerous for the deputy(s) to approach to within physical contact distance of the subject.

(k) The subject's actions indicate the need for an immediate response, and the use of a less lethal system reasonably appears to be appropriate, especially if the only other option to deal with those actions may be the use of deadly force.

4. When practical and unless required by section 384.2.1, the Member should provide a verbal warning prior to the deployment of a less lethal system.

384.2.1 CROWD CONTROL

1. Kinetic energy projectiles and chemical agents shall not be used to disperse any assembly. Protest, or demonstration and shall not be used solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive.

2. Kinetic energy projectiles and chemical agents shall only be deployed by Members that have received training on their proper use by POST for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:

(a) De-escalation techniques or other alternatives to force have been attempted when objectively reasonable, and have failed.

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(b) Repeated, audible announcements are made of 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) Persons are given an objectively reasonable opportunity to disperse and leave the scene.

(d) An objectively reasonable effort has been made to identify persons 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 persons.

(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) Members 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 to do so.

(i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

These requirements for the use of kinetic energy projectiles and chemical agents do not apply within any county detention facility (Penal Code § 13652).

384.3 PEPPERBALL LESS LETHAL SYSTEM

Pepperball is a unique less lethal kinetic energy delivery system that uses high-pressure air launchers to deliver chemical agents and/or kinetic energy impact force from a distance.

384.3.1 AUTHORIZED PEPPERBALL LAUNCHERS AND MUNITIONS

An addendum of Department-approved authorized manufacturers shall be maintained by the Training Division Commander.

384.4 12 GAUGE LESS LETHAL SHOTGUN

Shotguns specifically used to deploy less lethal munitions shall be identified by the receiver-mounted, orange sidesaddle ammunition holder for carrying less lethal munitions, and shall be equipped with a fore-end mounted flashlight and a sling. The stock shall be painted orange.

Less lethal should only be used in shotguns designated specifically for less lethal munitions.

384.4.1 AUTHORIZED LESS LETHAL SHOTGUNS AND MUNITIONS

An addendum of Department-approved authorized manufacturers shall be maintained by the Training Division Commander.

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384.4.2 AUTHORIZED LESS LETHAL SHOTGUN GAS LAUNCHERS (SWAT ONLY)
Shotguns specifically used to deploy Chemical Agents (CS gas) shall be identified by the receiver-mounted, Green sidesaddle ammunition holder for carrying CTS 12 ga. Launching Cartridges and shall be equipped with a fore-end mounted flashlight and a sling. The stock shall be painted Green. These specific shotguns will have a CTS LC6 launching cup mounted to the end of the barrel, capable of launching CTS 5230B CS Baffled Canister Grenades.

384.5 40MM LAUNCHERS

The 40mm launcher is a shoulder fired less lethal weapon which uses a propellant cartridge to launch kinetic energy impact munitions. The Department deploys single and multiple shot launchers. The projectiles are made from foam and soft rubber.

384.5.1 AUTHORIZED 40MM LAUNCHERS, LAUNCHER ACCESSORIES, AND MUNITIONS
An addendum of Department-approved authorized manufacturers shall be maintained by the Training Division Commander.

384.5.2 DEPLOYMENT CONSIDERATIONS
The use of specific types of 40mm munitions are based upon the Command (i.e., Patrol Operations, Custody and Courts, Mutual Aid Bureau) and incident driven. In general, the use of 40mm sting-ball round (i.e., skip round) and CS gas are restricted. Only a supervisor at the scene of an assembly, protest or demonstration may authorize the use of tear gas. For routine Patrol Operations, only the 40mm foam baton munition is authorized. For further deployment considerations and restrictions, refer to the Patrol Operations Manual (POM) and the Custody & Court Operations Manual (CCOM).

384.6 STING-BALL GRENADES

The Sting-Ball Grenade is most widely used as a crowd management tool for Law Enforcement and Correctional Institutions. It’s unique design, allows for effective deployments in both indoor and outdoor operations. Protective gloves and safety glasses should be worn when deploying. As with any pyrotechnic device, firefighting equipment should be available.

Authorization for the deployment of the Sting-Ball grenades will be given by a sergeant, Watch Commander, or higher authority in the chain of command. The supervisor shall review the situation and provide direction based upon his/her assessment.

384.6.1 AUTHORIZED STING-BALL GRENADES
An addendum of Department-approved authorized manufacturers shall be maintained by the Training Division Commander.

384.7 MEDICAL TREATMENT

Generally, lesslethal munitions should not be intentionally directed at a person's head, neck, or throat, unless imminent danger is present and lethal force would be justified. In the event a person is struck with a less lethal munitions projectile, once it is reasonable and safe to do so, Members shall promptly provide medical assistance, if properly trained. A Member shall then ensure the

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subject is treated and medically cleared by a physician, as soon as possible. The deploying officer shall document all medical treatment given to the subject.

The only exception would be when a subject flees the scene after deployment and an effort to locate him/her has been unsuccessful.

Any individual who refuses medical attention shall have his or her refusal fully documented in related reports and if possible be witnessed by another deputy/SSO and/or medical personnel. If medical staff is willing to provide a copy of the subject's medical refusal, this document should be collected and included with the report package. If possible, an audio recording of the refusal should also be made with a notation in the report indicating the subject's refusal was recorded and booked as evidence.

384.7.1 DECONTAMINATION AND MEDICAL CARE INSIDE CUSTODY OPERATIONS

1. When chemical agents have been used on an inmate, the decontamination process will begin as soon as practical.
    (a) Members will collect contaminated clothing and issue clean replacement clothing.
    (b) Correctional Health Services (CHS) shall be notified and will examine the inmate and assess their medical condition. CHS will determine if the inmate is cleared for housing or if further medical attention is necessary.
    (c) The inmate will be allowed access to a shower, sink, or other clean water source where they can flush the contaminated areas of their body.

384.8 DOCUMENTATION OF LESS LETHAL MUNITIONS USE

Discharge of a less lethal weapon for any reason other than an approved training exercise shall be documented and treated like any other use of force incident.

If a supervisor is not present, one shall be notified, as soon as practical that less lethal munitions have been deployed.

All relevant information concerning the use of less lethal munitions shall be documented in accordance with Policy 300.6. Post Use of Force Procedures.

All information shall be documented on a Department crime report, incident report, arrest, or follow-up report. The report should include the following:

1. Describe the circumstances that gave rise to the use of less lethal munitions.
2. Describe any de-escalation techniques, crisis intervention tactics, and other alternatives to force that were used in an attempt to persuade the subject to voluntarily comply.
3. Explain ineffective use of force options employed and/or considered but believed to be impractical or ineffective.

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4. Describe how many less lethal munitions projectiles were deployed, by which Member(s) and at what distances. Include how many projectiles struck the subject, on which areas of his/her body and the effect of the less lethal munitions.
5. Document any injuries or claims of injuries to citizens, Member(s) and/or the subject involved.
6. Describe medical treatment, including that given to the subject after the impact of the less lethal munitions, by the Fire Department/Paramedics and the hospital where the subject was transported. Identify the treating physician in your report.
7. Any witness statements.
8. Subject's statements.
9. Photographs, video and other physical evidence. Take photographs, even if there are no visible injuries. Note: photographs of subject/suspect's private areas; buttocks, breasts, and underwear, are only allowed per 4030 P.C. (dealing with strip searches), so only take photographs of exposed areas. Medical staff can rearrange clothing, conduct a visual check and make a notation in the subject's chart.

384.9 SUPERVISOR RESPONSIBILITIES

Refer to Policy 300.9 Use of Force – Supervisor Responsibility

384.10 LESS LETHAL CERTIFICATION AND TRAINING

1. Certification through the Training Division is required to deploy less lethal weapons.
2. Recertification through the Training Division is required during each two-year Perishable Skills training cycle, to deploy less lethal weapons.

384.11 STORAGE AND TRANSPORTATION IN A DEPARTMENT-OWNED VEHICLE

If the Department Member utilizes a sedan, the less lethal weapon shall be stored in a locked rack or kept in a container, case, or bag inside a locked trunk, inaccessible from the cabin. If the Department Member utilizes a SUV, truck, or other vehicle that does not have a trunk, the less lethal weapon shall be stored in either a locked rack or locked and secured in the rear cargo area, inaccessible from the cabin. Less lethal weapons stored in the rear cargo area shall be kept inside a container, case, or bag. Less lethal weapons stored on vessels shall be in a locked rack or locked inside an affixed container when left unattended.

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Long Range Acoustic Device (LRAD)

385.1 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).

385.2 POLICY

It is the policy of the Orange County Sheriff's Department (OCSD) 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 unequivocally communicate messages from OCSD and safely resolve uncertain situations where communicating with the public, or an individual, is paramount. All usage of the LRAD will be documented on the AB 481 Military Equipment Tracker (MET) in accordance with Assembly Bill 481 and OCSD Policy 711.

385.3 DEFINITION

The Orange County Sheriff's Department currently utilizes one model of the LRAD System;

- LRAD 100XSTD System. This system is a portable device which 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.

The LRAD system has the capability to provide highly effective long range communication. The system will broadcast clear messages or voice commands. The system can be used to de-escalate situations through clear unambiguous direction and communication. The system has the capability to provide highly effective long range communication. The system will broadcast clear messages or voice commands. The system can be used to de-escalate situations through clear unambiguous direction and communication.

The LRAD system can broadcast instructions and messages with greater clarity and distance than traditional loudspeakers or public address (PA) systems. The system can effectively broadcast messages through wind, crowds, and engine/background noise. 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.

The tone function of the LRAD has been permanently disabled by the manufacturer from the device and shall not be reinstalled.

385.4 OPERATION OF THE LRAD

The LRAD can play pre-recorded messages and work as a PA system. It has the capability to emit acoustic sound levels in excess of accepted OCHA noise hazard levels, so Members operating the LRAD must stay behind the device, wear appropriate hearing protection, and follow the below guidelines:

1. Never operate the LRAD at maximum power.

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2. Never operate the LRAD where persons may be within 32 feet of the device, or where the reflected distance between Members and an acoustically reflective object (e.g., a building, a wall, or a bulkhead) is located closer than 32 feet in front of the device and 3 feet to each side.

3. Never point the LRAD at Members in the immediate vicinity of its operating position.

4. Operators must ensure the device is positioned, aimed, and operated in a manner that avoids exposing nearby Members and bystanders to excessive sound pressure levels.

Examples of potential LRAD deployments include:

(a) Communicate information to residents during disasters.

(b) Communicate with large crowds (e.g., during demonstrations, parades, festivals, concerts, and sporting events).

(c) Crowd management and control.

(d) Establish safety zones and enforce perimeters.

(e) Traffic control management.

(f) Conduct Special Weapons and Tactics (SWAT) operations.

(g) Conduct Mobile Field Force (MFF) operations.

(h) Communicate during hostage and barricaded subject situations.

(i) Serve high risk search warrants.

(j) Communicate with subjects threatening suicide who are in an inaccessible location.

(k) Conduct search and rescue operations.

385.5 APPROVAL

The LRAD may only be deployed with the approval of the Special Enforcement Bureau (SEB) Commander or designee. If a rapidly evolving situation places the public or law enforcement in danger or where serious property damage is probable, trained Members are permitted to deploy the LRAD prior to approval. The scene supervisor shall ensure that the SEB Commander or designee is notified as soon as practical.

385.6 MAINTENANCE

The Crisis Negotiation Team (CNT) will be responsible for proper storage and maintenance of the LRAD system. The LRAD device should be checked for proper functionality during CNT training when applicable.

385.7 TRAINING

All CNT Members shall receive initial training on the LRAD before utilizing it in the field. The training will consist of the LRAD set up, proper usage, and safety considerations. The LRAD may only be deployed by Members who have been properly trained in its use and procedures. A record of trained Members will be kept and maintained by the CNT Sergeants.

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Armored Tactical Tractor

386.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for deploying the Special Weapons and Tactics (SWAT) Armored Tactical Tractor (ATT).

386.2 POLICY

It is the policy of the Orange County Sheriff's Department (OCSD) that the ATT be used in response to critical incidents to enhance officers and community safety, improve scene containment and stabilization, and assist in resolving critical incidents. Additionally, the tactical tractor may be deployed during natural disasters in a life savings capacity and as displays for community outreach events.

Pursuant to Assembly Bill 481 and OCSD Policy 711, the ATT usage will be documented on the AB 481 Military Equipment Tracker (MET).

386.3 DEFINITIONS

Armored Tactical Tractor (ATT): A specially designed armored vehicle used by SWAT teams for high-risk incidents.

Hydraulic Breaching Ram: An attachment to the ATT designed for controlled breaches of various structures including, walls, doors, and windows. It is equipped with five infrared cameras for 360° visibility and a tactical, non-lethal chemical agent delivery system.

Grapple Claw: An attachment to the ATT designed to remove obstacles, debris, and barricades from an area, aiding in clearing paths and ensuring safe approaches.

Vehicle Extraction Tool: An attachment to the ATT designed to move or immobilize vehicles or move obstructions.

Armored Personnel Platform: An attachment to the ATT that can be raised to enable second- and third-story entries or rescue operations. It includes video monitoring, self-contained lighting, eight shooting ports, ballistic glass, and an adjustable sliding front door for fortified positioning.

Network Video Recorder (NVR): A digital recording device integrated with the ATT that captures, video footage from the vehicle's cameras.

386.4 OPERATION OF THE ARMORED TACTICAL TRACTOR

This policy is intended to provide personnel assigned to the SWAT Team with the responsibilities associated with deploying the ATT. The Department shall operate the ATT in a manner that observes constitutional rights and in accordance with local, state, and federal law.

The Special Enforcement Bureau (SEB) Commander, or designee, will manage the ATT and the program to ensure safe, effective deployments within Department policies and procedures. ATT operations should prioritize community safety, minimize property damage, and ensure the safe resolution of high-risk incidents.

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When tactically feasible, the electricity and gas to the target structure should be shut off prior to the use of the ATT and its attachments, including the hydraulic breaching ram, grapple claw, vehicle extraction tool, and armored personnel platform.

386.4.1 DEPLOYMENT CRITERIA
Factors to consider with the ATT deployment may include, but are not limited to:

(a) Type of crime(s) involved

(b) Potential violence with firearms, explosives, or chemical agents

(c) The number of armed suspects or potential victims in need of rescue

(d) Superior weaponry or presence of body armor possessed by the suspect(s)

(e) The need to remove barriers, obstacles, or vehicles

(f) The need to make entry ports into a structure where entry ports are fortified or previously did not exist

(g) Whether the ATT provides an alternate method:

1. Of breaching windows and doors of a structure during SWAT incidents
2. To deploy chemical agents or Light Sound Diversionary Devices (LSDDs)
3. To move SWAT team personnel to a desired location
4. Of resolving a SWAT incident for both the suspect and deputies

386.5 APPROVAL

The ATT may only be deployed with the SEB Commander's or designee's approval. If a rapidly evolving situation places the public or law enforcement in danger, trained SWAT team personnel are permitted to deploy the ATT prior to approval. The scene supervisor shall notify the SEB Commander or designee as soon as practical.

386.6 MAINTENANCE

The SWAT Breaching Sergeant is responsible for the proper storage and maintenance of the ATT. The ATT should be checked for proper functionality once a quarter and documented on its maintenance log stored in the SWAT database.

386.7 TRAINING

Designated SWAT team personnel are required to successfully complete a 16-hour ATT Operator Course in order to become an authorized ATT Operator. ATT Operators will train quarterly to maintain proficiency. Only SWAT team personnel who have been trained in its use shall be permitted to deploy it during high-risk incidents.

386.8 RECORDING / DATA

- The primary purpose of the ATT's Network Video Recorder (NVR) is to document and preserve video evidence for law enforcement-related incidents, including high-risk operations and non-criminal events. These recordings will enhance criminal

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prosecutions, improve officer safety, reduce civil liabilities, provide a visual record of significant events, and contribute to future training.

- Evidence-related recordings must be uploaded to the Digital Evidence Management System (D.E.M.S.), a secure cloud-based platform designated for evidence or training purposes.
- Recordings with evidentiary value will be booked and stored in accordance with Policy 802. Recordings shall be retained in D.E.M.S. for a minimum of 2 years, or longer, if required by the Board of Supervisors' approved Retention and Disposition Schedule. Recordings that are part of ongoing criminal investigations or civil litigation must be preserved until the case is resolved.
- Recordings relevant to a pending criminal prosecution or pending civil claim or lawsuit will not be made for use as a training tool until the prosecution, claim, or lawsuit is resolved.
- Any requests for subpoenas, California Public Records Act (CPRA) requests, or discovery should be directed to the Records Division.

REVIEW OF RECORDINGS

It is the policy of the Department to extend to its members the ability to review all available Department Media when writing reports, preparing for courtroom testimony, and prior to making voluntary statements. Please refer to Policy 303 - Department Media for additional information regarding Department recordings.

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Chapter 4 - Patrol Operations

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Bias Free Policing

402.1 PURPOSE AND SCOPE

The Department strives to provide law enforcement services to our community with the proper care and concern for the racial and cultural differences of those we serve. It shall therefore be the policy and practice of this Department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, color, ethnicity, national origin, age, religion,, gender identity or expression, sexual orientation, socio-economic status, cultural group, or mental or physical disability.

402.2 DEFINITIONS

Bias-Free Policing: The provision of law enforcement services, whether in the jails, the courts, or on patrol, that is accomplished without the selective enforcement or non-enforcement of the law, including the selection or rejection of particular policing tactics or strategies, based on the subject's membership in a demographic category. Bias-free policing is policing that is free of discriminatory effect as well as discriminatory intent.

Biased Policing: The provision of law enforcement services, or declining to provide law enforcement services, whether in the jails, the courts, or on patrol, based upon the inappropriate consideration of a person's demographic category.

Demographic category: Refers to a person's race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, socio-economic status, cultural group, or mental or physical disability.

Implicit Bias: Refers to the attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Implicit biases are different from known biases that individuals may choose to conceal.

Racial or identity profiling: The consideration of, or reliance on, to any degree, a person's actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest. (Penal Code § 13519.4(e)).

402.3 RACIAL OR IDENTITY PROFILING AND BIASED POLICING PROHIBITED

Members shall not engage in biased policing or racial or identity profiling, and any such practice will not be tolerated by this Department (Penal Code § 13519.4(f)).

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1. It is the responsibility of every Member of this Department to prevent, report, and respond appropriately to clear discriminatory or biased practices.
2. Every Member of this Department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion or probable cause to justify the detention independent of the individual's membership in a demographic category.
    (a) To the extent that written documentation would otherwise be completed (e.g., arrest report, F.I. card, etc.), the involved deputy should include those facts giving rise to the deputy's reasonable suspicion or probable cause for the contact.
    (b) Nothing in this policy shall require any deputy to prepare documentation of a contact that would not otherwise involve such reporting.

402.4 STANDARDS OF CONDUCT TO ENSURE BIAS FREE POLICING

In an effort to prevent perceptions of biased policing, in accordance with officer safety, do the following:

1. Treat everyone with dignity, respect, courtesy, and professionalism, without harassing, intimidating, or using derogatory language verbally, in writing, or by gesture.
2. Ensure bias-free encounters by relying on information that is accurate, specific, and free from bias while developing reasonable suspicion and/or probable cause.
3. When initiating a search of a cell, dormitory, or incarcerated person, or when issuing directives to or responding to inquires from an incarcerated person, ensure that motivations and actions are free of bias and racial or identity profiling.
4. When initiating a pedestrian or vehicular stop, approach the person(s) being stopped and provide an explanation for the stop as soon as practical and safe.
5. Ensure that detentions are no longer than necessary.

While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by a deputy in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description includes a specific race or group).

The Orange County Sheriff-Coroner Department shall investigate all complaints of alleged bias-based policing or racial or identity profiling against its Members. Members found to be in violation of this policy are subject to discipline in accordance with this Department's disciplinary policy.

402.5 TRAINING

1. All sworn Members of this Department shall participate in training prescribed by the Department.
2. All sworn Members of this Department shall participate in expanded training as prescribed and certified by the Commission on Peace Officer Standards and Training (POST) (Penal Code § 13519.4(g)).

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3. 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, identity, and cultural differences among members of our community.
4. Upon completion of initial POST approved training all sworn members of this Department shall be required to complete an approved 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)).

402.5.1 BIAS BY PROXY

Bias by proxy occurs when individuals call the police and make false or ill-informed claims of misconduct about persons they dislike or are biased against based on explicit racial and identity profiling or implicit bias. When the police act on a request of service rooted in implicit or explicit bias, they risk perpetuating the caller's bias. Members should use their critical decision-making skills drawing upon their training to assess whether there is criminal or non-criminal conduct regardless of bias.

402.6 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect or disclose information regarding the religious beliefs, practice or affiliation of any individual unless permitted under state or federal law (Government Code § 8310.3).

Per Government Code § 8310.3:

- Notwithstanding any other law, a state or local agency or public employee acting under color of law shall not:
    - Provide or disclose to federal government authorities personal information regarding the religious beliefs, practices, or affiliation of any individual for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity.
    - Use agency money, facilities, property, equipment, or personnel to assist in creation, implementation, or enforcement of any government program compiling a list, registry, or database of personal information about individuals based on religious belief, practice, or affiliation, or national origin or ethnicity, for law enforcement or immigration purposes.
    - Make personal information from agency databases available, including any databases maintained by private vendors contracting with the agency, to anyone or any entity for the purpose of investigation or enforcement under any government program compiling a list, registry, or database of individuals based on religious belief, practice, or affiliation, or national origin or ethnicity for law enforcement or immigration purposes.
- Notwithstanding any other law, state and local law enforcement agencies and their employees shall not:
    - Collect information on the religious belief, practice, or affiliation of any individual except (A) as part of a targeted investigation of an individual based on

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reasonable suspicion to believe that individual has engaged in, or been the victim of, criminal activity, and when there is a clear nexus between the criminal activity and the specific information collected about religious belief, or affiliation, or (B) where necessary to provide religious accommodations.

- Use agency money, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any criminal, civil, or administrative violation, or warrant for a violation, of any requirement that individuals register with the federal government or any federal agency based on religious belief, practice, or affiliation, national origin, or ethnicity.

- An agency or employee will only be deemed to be in violation of this section if the agency or employee acted with actual knowledge that the information shared would be used for purposes prohibited by this section.

402.7 SUPERVISOR RESPONSIBILITY

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 Complaint Procedure (Policy 1020).

Annually, upon publication of the Racial and Identity Profiling Advisory Board Report, the S.A.F.E Division Commander shall review the report and the Department's effort to prevent racial or identity profiling and submit an overview, including public concerns, to the Sheriff. This overview shall not contain any identifying information regarding any specific complaint, citizen, or officer.

402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The S.A.F.E. Division Commander or the authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding citizen complaints of racial bias against deputies is collected and provided to the Records Division to be reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).

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Racial and Identity Profiling Act (RIPA)

403.1 PURPOSE AND SCOPE

On or before January 1, 2019, the Department was required to begin collecting stop data for all contacts meeting the criteria outlined in the Racial and Identity Profiling Act (RIPA) and related regulations. Moving forward, the Department is required to annually report this data to the California Attorney General (Government Code § 12525.5).

403.1.1 DEFINITIONS

It is important to note that, while many of the terms used in association with RIPA may seem familiar, their actual meaning might be different than what has historically been held to be common law enforcement terminology. Select terms have been included below; however, personnel are encouraged to refer to the California Code of Regulations for the full list of RIPA terms and guidelines. The terms "non-force related" and "force-related" in section 403.3, as defined by the California State Legislature (AB953), may not align with Orange County Sheriff's Department reporting standards or definitions within Policy 300 – Use of Force.

The following definitions relate to terms used within this policy, as applied to RIPA stops only, and have been taken directly from the California Code of Regulations (11 CCR § 999.224):

Detention:A seizure of a person by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing that they are not free to leave or otherwise disregard the officer.

Stop: (1) Any detention, as defined in these regulations, by a peace officer of a person; or (2) any peace officer interaction with a person in which the officer conducts a search, as defined in these regulations.

Search: For the purpose of RIPA, means a search of a person's body or property in the person's possession or under their control, and includes a pat-down search of a person's outer clothing as well as a consensual search, as defined in these regulations.

Custodial Setting: Correctional institutions, juvenile detention facilities, and jails, including parking lots and grounds within the perimeter of these enumerated facilities. "Custodial setting" also includes a courtroom or courthouse in the limited circumstances where a court orders a person remanded into custody. "Custodial setting" does not include home detention or any circumstances where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails.

Please note: Peace officers shall not report stops that occur in a custodial setting. Peace officers who work in custodial settings are subject to this chapter for stops that occur in non-custodial settings (11 CCR § 999.225). For home detention or home arrest while an officer is on home detention or house arrest assignment, the following interactions with persons in the home who are not under home detention or home arrest are to be reported: the officer handcuffs or flex cuffs the person; arrests the person; points a firearm at the person; discharges or uses a firearm,

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Conducted Energy Device, impact projectile, baton or other impact weapon, or chemical spray on the person; or if a canine bit/held the person (11 CCR § 999.227 (d)(3)).

403.2 DATA REPORTING

The Director of the Records Division is the custodian of all data collected. The Director of the Records Division or his/her authorized designee shall ensure data is collected and reported in accordance with Government Code section 12525.5 and related regulations and that all data collected is used strictly within the scope of compliance with this policy. The data provided to the California Attorney General shall not include the name, address, social security number or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, and shall not include any name, badge number or PID of any peace officer collecting the data.

All RIPA data collected is public record and open to public inspection. No identifying information about the peace officers collecting the data shall be publicly disclosed.

Department Members, other than the Director of the Records Division, or his/her designee, may not access the Department's server to view RIPA data without authorization from the Sheriff. The RIPA data collected shall not be used for disciplinary purposes or for use in performance evaluations.

403.3 DATA COLLECTION

Peace Officers within the Department shall complete all applicable data fields in the Department's AB 953 RIPA Stop Application for each stop. The data fields include, but are not limited to, the following:

1. The time, date, duration and location of the stop.
2. Stop made during the course of responding to a call for service.
3. Stop made during the course of performing a welfare or wellness check or an Officer's community caretaking function.
4. Type of Stop: Vehicular Stop, Bicycle Stop, or Pedestrian Stop.
5. The perceived race or ethnicity, gender, sexual orientation, limited or no English fluency, perceived or known disability, perceived to be unhoused, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. When reporting the required data elements, the peace officer shall make their determination based on personal observation only. For motor vehicle stops, this section only applies to the driver, unless the passenger is observed or suspected of violating the Vehicle Code or any other applicable law or ordinance, or is subjected to any actions specified under subsection 15 (excluding "vehicle impounded" and "none"), in which case the characteristics specified in this section shall also be reported for the passenger.
6. The reason for the stop:
    (a) Traffic violation: moving, non-moving, or equipment violations.

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(b) Reasonable suspicion that the person was engaged in criminal activity, which can include, but is not limited to the following:

- Officer witnessed commission of a crime
- Matched suspect description
- Witness or victim identified stopped person as a suspect of a crime
- Matched description of suspect's vehicle or vehicle observed at the scene of the crime
- Carrying suspicious object
- Actions indicative of casing a victim or location
- Suspected of acting as a lookout
- Actions indicative of a drug transaction
- Actions indicative of engaging in a violent crime
- Other reasonable suspicion or probable cause that a crime has occurred

(c) Probable cause to arrest or search.

(d) Probable cause to take into custody under Welfare and Institutions Code section 5150.

(e) Known to be on parole/probation/PRCS/mandatory supervision.

(f) Knowledge of outstanding arrest warrant/wanted person.

(g) Investigation to determine whether the person is truant.

(h) Consensual encounter resulting in a search.

- Example: During the course of a witness interview in which the person is free to leave, the officer asks to search the person's bag, and the person consents. In this case, the reason for the stop is "a consensual encounter resulting in a search" and the duration of the stop would begin at the time the person was searched.

7. The result of the stop, such as, no action, warning, citation, property seizure or arrest.
8. If a warning or citation was issued, the warning provided or violation cited.
9. If an arrest was made, the offense charged.
10. Actions taken by the peace officer during the stop, including, but not limited to, the following:

(a) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.

(b) Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.

(c) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

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11. Race or ethnicity of peace officer.
12. Reason Given to the Stopped Person. RIPA Regulations permit the Deputy to withhold the reason for the stop from the person only if it is necessary to protect life or property from imminent threat. If the reason for the stop is not provided to the person, the Deputy must document the reason(s) for non-disclosure in the RIPA entry.
13. Non-Force-Related Actions taken by the peace officer during the stop, including, but not limited to, the following:
    (a) Person removed from vehicle by order.
    (b) Field sobriety test conducted.
    (c) Curbside detention. This refers to any time an officer directs the person to sit on the sidewalk, curb, or ground.
    (d) Patrol car detention.
    (e) Canine used to search for, locate, and/or detect contraband.
    (f) Person photographed.
    (g) Asked whether the person is on parole, probation, PRCS, or some other form of mandatory supervision.
    (h) Asked for consent to search person.
    (i) Terry V. Ohio frisk pat search of person's outer clothing was conducted.
    (j) Search of property was conducted.
    (k) Property was seized.
    (l) Vehicle impounded.
    (m) Ran name of stopped person's passenger.
    (n) Asked for identification of stopped person's passenger.
    (o) Admission or written statement obtained from student.
    (p) None.
14. Force-Related Actions taken by the peace officer during the stop, including, but not limited to, the following:
    (a) Handcuffed or flex cuffed.
    (b) Physical compliance tactics and techniques.
    (c) Canine removed from patrol vehicle to gain compliance and/or for purposes of stopped person-apprehending.
    (d) Canine bit or held person.
    (e) Firearm pointed at person.
    (f) Firearm discharged or used.
    (g) Firearm unholstered.

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(h) Conducted Energy Device pointed at person or sparked.

(i) Conducted Energy Device used (identify the mode used).

(j) Impact projectile weapon pointed at person.

(k) Impact projectile discharged or used (e.g., blunt impact projectile, rubber bullets or bean bags).

(l) Baton or other impact weapon drawn.

(m) Baton or other impact weapon used, or other object (including a firearm) to strike or prod.

(n) Chemical spray used (e.g., pepper spray, mace, or other chemical irritants).

(o) Person removed from vehicle by physical contact.

(p) Other physical or vehicle contact. This refers to any of the following contacts by the officer, when the purpose of such contact is to restrict movement or control a person's resistance: any physical strike by the officer; instrumental contact with a person by an officer; or the use of significant physical contact by the officer. Examples of such contacts include, but are not limited to, carotid restraints, hard hand controls, the forcible taking of a subject to the ground, or use of vehicle in apprehension.

(q) None.

All entries shall be completed by the member that initiated the stop unless more than one member or agency conducted the stop. Stops involving multiple peace officers shall only require reporting by one peace officer. This shall be completed by the peace officer with the highest level of engagement with the person stopped for all data elements, regardless of whether that peace officer performed the specific action(s) reported. When two or more reporting agencies are involved in a stop, only the primary agency shall submit a report. The primary agency is the agency with investigative jurisdiction based on local, county, or state law or applicable interagency agreement or memoranda of understanding. If there is uncertainty as to the primary agency, the agencies shall agree on which agency is the primary agency for reporting purposes.

403.4 DATA ENTRY

Members shall complete all stop reports for stops made during their shift by the end of that shift, unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable.

403.5 DATA ANALYSIS

The Department has established a Working Group, consisting of representatives from S.A.F.E., Operations (patrol and transit), Investigations, Custody, Court, Training, Field Training Bureau, Records, and Technology; the Constitutional Policing Advisor; and, as needed, County Counsel. The Working Group will convene as directed by the Commander of the S.A.F.E. Division. The Working Group will be responsible for the following:

1. Reviewing the Department's RIPA data on a quarterly basis.

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2. Receiving and reviewing the RIPA Board's annual report and any related information received from S.A.F.E.
3. Identifying any areas of concern with the Department's RIPA data and the RIPA Board's annual report and, as necessary, bringing those concerns to the Department's Command for direction.
4. Researching information within their expertise and returning to the Working Group with recommendations that may include, but are not limited to, policy changes and training updates.
5. Analyzing the Department's RIPA data and completing a draft of the Department's annual RIPA report for review by the Department's Command.

After approval by the Sheriff, the Department's annual RIPA report will be publicly disclosed on the Department's website.

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Anti-Reproductive Rights Crimes Reporting

404.1 PURPOSE AND SCOPE

This policy establishes procedures for responding to anti-reproductive rights incidents at reproductive health clinics and required reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General, as required by the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

404.2 ANTI-REPRODUCTIVE RIGHTS CRIMES DEFINITIONS

California Penal Code § 13776(a) defines an ARRC as a crime "committed partly or wholly because the victim is a reproductive health services patient, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or a class of persons or entities from becoming or remaining a reproductive health services patient, provider, or assistant."

"Crime of violence" means an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.

"Interfere with" means to restrict a person's freedom of movement.

"Intimidate" means to place a person in reasonable apprehension of bodily harm to themselves or to another.

"Non-violent" means conduct that would not constitute a crime of violence.

"Physical obstruction" means rendering ingress to or egress from a reproductive health services facility or to or from a place of religious worship impassable to another person or rendering passage to or from a reproductive health services facility or a place of religious worship unreasonably difficult or hazardous to another person.

"Reproductive health services" means reproductive health services provided in a hospital, clinic, physician's office, or other facility and includes medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

"Reproductive health services patient, provider, or assistant" means a person or entity, including, but not limited to, employees, staff, volunteers, and third-party vendors, that is or was involved in obtaining, seeking to obtain, providing, seeking to provide, or assisting or seeking to assist another person, at that other person's request, to obtain or provide services in a reproductive health services facility, or a person or entity that is or was involved in owning or operating or seeking to own or operate, a reproductive health services facility.

"Reproductive health services facility" includes a hospital, clinic, physician's office, or other facility that provides or seeks to provide reproductive health services and includes the building or structure in which the facility is located.

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Penal Code § 423.2 provides that the following acts shall be considered 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 (Penal Code 432.2(a))

(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 (Penal Code 432.2(c))

(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 (Penal Code 432.2(e))

(d) Intentionally videotapes, films, photographs, or records by electronic means, a reproductive health services client, provider, or assistant without that person's consent, within 100 feet of the entrance to, or within a reproductive health services facility, with the specific intent to intimidate the person from becoming or remaining a reproductive health services client, provider, or assistant, and thereby causes the person to be intimidated (Penal Code 432.2(g))

(e) Intentionally discloses or distributes a videotape, film, photograph, or recording in any manner or forum including internet websites and social media, knowing it was obtained within 100 feet of the entrance to, or within a reproductive health services facility, with the specific intent to intimidate the person from becoming or remaining a reproductive health services client, provider, or assistant, and thereby causes the person to be intimidated (Penal Code 432.2(h))

404.3 RESPONSE TO ANTI-REPRODUCTIVE RIGHTS CRIMES

Members should respond appropriately any time a person living within the jurisdiction of the Orange County Sheriff's Department reports that the person has been a victim of an ARRC 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 on available assistance resources. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside the Department's jurisdiction reports an ARRC that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box within OCSD's jurisdiction to facilitate the crime).

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In addition to taking a report on the potential ARRC, a Member should consider whether other sections of the Penal Code may have been violated by the reported conduct and include information about other criminal violations as well.

A Member investigating an ARRC should ensure that the case is referred to the appropriate agency if it is determined that this Department should not be the investigating agency or jurisdiction. The appropriate entries should be made into any databases that have been authorized for the Departments use and are specific to this type of investigation.

404.4 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

The Director of the Records Division is the custodian of all data collected. The Director of the Records Division, or their authorized designee, shall ensure data is collected and reported in accordance with the Reproductive Rights Law Enforcement (RRLE) Act [PC §13777 (a)(2)(A)-(C)].

(a) Upon receiving a report of an ARRC, the Member responsible shall mark the designated Field-Based Reporting (FBR) selection to identify it as an ARRC Report.

(b) Monthly, the Records Division shall ensure that ARRC data, including zero reports if applicable, is submitted to the Department of Justice Criminal Justice Statistics Center through the California Incident Based Reporting System (CIBRS).

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Elder and Dependent Adult Abuse

406.1 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 Department Members as required by law.

406.1.1 DEFINITIONS

Definitions related to this policy include:

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). For purposes of this policy, all references to "adult abuse" mean the abuse of an elder (age 65 or older) or dependent adult.

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 (Welfare and Institutions Code § 15610.07; Penal Code § 368.5). Neglect includes self-neglect (Welfare and Institutions Code § 15610.57).

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 his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those between the ages of 18 and 64 who are admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23; Penal Code § 368(h)).

406.2 POLICY

The Department shall investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

406.3 MANDATORY NOTIFICATION AND REPORTING REQUIREMENTS

Department Members are mandated reporters of suspected elder or dependent adult abuse (Welfare and Institutions Code § 15630(a)). A Department Member who, in his or her professional capacity or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be abuse, or is told by an elder or dependent adult that he or she has experienced behavior, including an act or omission, constituting abuse, or reasonably suspects that abuse, shall report the known or suspected abuse to the law enforcement agency in whose jurisdiction the known or suspected abuse occurred.

The Department Member shall forward all reports of known or suspected abuse occurring in the Department's jurisdiction to the corresponding Detail of the Investigations Division, according

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to the nature of incident. In any incident in which immediate investigative follow-up would be beneficial or required, notification shall be made to the Department Commander and a response will be coordinated through the appropriate Investigative Detail Sergeant. The Department Member shall also ensure that notification is made by telephone to APS as soon as practicably possible and the Report of Suspected Dependent Adult/Elder Abuse (Form SOC 341) is provided to APS by the end of their assigned shift. For further refer to Welfare and Institutions Code 15630.

The corresponding Investigative Detail Sergeant 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)(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 and 443.18).

406.4 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

1. The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected 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.
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.

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10. Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).
11. Whether a death involved the End of Life Option Act:
    (a) Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)
    (b) 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)
    (c) 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).
    (d) 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 adult abuse and investigated similarly.

406.5 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

1. Conduct interviews in appropriate interview facilities.
2. Be familiar with forensic interview techniques specific to adult abuse investigations.
3. Present all cases of alleged adult abuse to the prosecutor for review.
4. Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
5. Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
6. Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

406.6 EMERGENCY PROTECTIVE ORDERS

In any situation which a Member 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 Member may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

406.7 INTERVIEWS

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406.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, Members should audio record the preliminary interview with a suspected adult abuse victim. Members should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. In certain circumstances, investigating officers may defer interviews when a person who is specially trained in such interviews is available.

406.7.2 DETAINING VICTIMS FOR INTERVIEWS

A Member 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:
    (a) A reasonable belief that medical issues of the adult need to be addressed immediately.
    (b) A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
    (c) 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.

406.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The Member 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, Members should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for Members to take the adult for a medical examination, the sergeant should consider other government agencies or services that may obtain a court order for such an examination.

406.9 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 adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

406.9.1 MEMBER RESPONSIBILITIES

Members responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives at the location should:

1. Document the environmental, medical, social and other conditions of the adult, using photography as appropriate.

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2. Notify the Investigations Sergeant so an interagency response can begin.

406.9.2 SUPERVISOR RESPONSIBILITIES
The Family Protection Detail Sergeant should:

1. 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 adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
2. Activate any available interagency response when a Member notifies the Investigations Sergeant that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

406.10 TRAINING
The Department shall provide training on best practices in adult abuse investigations to Members tasked with investigating these cases. The training shall include:

1. Participating in multidisciplinary investigations, as appropriate.
2. Conducting interviews.
3. Availability of therapy services for adults and families.
4. Availability of specialized forensic medical exams.
5. Cultural competence (including interpretive services) related to adult abuse investigations.
6. Availability of victim advocates or other support.

406.11 RECORDS DIVISION RESPONSIBILITIES
Records Division is responsible for retaining the original adult abuse report with the initial case file.

406.12 JURISDICTION
The Department 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 if requested and consistent with federal law. However, the Department shall retain responsibility for the criminal investigations (Penal Code § 368.5).

406.13 RELEVANT STATUTES
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

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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 his or her 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.

Welfare and Institutions Code § 15310.05: "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:

1. “Financial abuse” of an elder or dependent adult occurs when a person or entity does any of the following:
    (a) 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.
    (b) 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.
    (c) 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.
2. 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.
3. 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.
4. For purposes of this section, “representative” means a person or entity that is either of the following:

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(a) A conservator, trustee, or other representative of the estate of an elder or dependent adult.

(b) 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:

1. "Isolation" means any of the following:

   (a) 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.

   (b) 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.

   (c) False imprisonment, as defined in Section 236 of the Penal Code.

   (d) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

2. The acts set forth in paragraph 1(a) through (d) 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.

3. The acts set forth in paragraph 1(a) through (d) 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:

1. "Neglect" means either of the following:

   (a) 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.

   (b) 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.

2. Neglect includes, but is not limited to, all of the following:

   (a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

   (b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she

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voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

(c) Failure to protect from health and safety hazards.

(d) Failure to prevent malnutrition or dehydration.

(e) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (a) to (d), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63:

1. "Physical abuse" means any of the following:

   (a) Assault, as defined in Section 240 of the Penal Code.

   (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.

      3. Rape in concert, as described in Section 264.1 of the Penal Code.

      4. Spousal rape, as defined in Section 262 of the Penal Code.

      5. Incest, as defined in Section 285 of the Penal Code.

      6. Sodomy, as defined in Section 286 of the Penal Code.

      7. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

      8. Sexual penetration, as defined in Section 289 of the Penal Code.

      9. 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.

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Behavioral Health Intervention Incidents

407.1 PURPOSE AND SCOPE

This policy establishes guidelines for deputies responding to individuals reasonably believed to be experiencing a behavioral health crisis in the community. The Department will provide the community with the most appropriate response based on the circumstances and relevant legal obligations. When deputies do respond to criminal calls for service or calls involving a danger to others, deputies are encouraged to de-escalate situations safely for all persons involved, promote understanding of behavioral indicators, and facilitate access to treatment and services, where feasible. Deputies are expected to recognize symptoms of crisis rather than attempt to diagnose behavioral health disorders and should emphasize time, patience, and empathy while completing their policing mission.

407.1.1 DEFINITIONS

Person in Crisis: An individual whose level of distress or symptoms of behavioral health disorder exceed their ability to self-regulate, often resulting in erratic, disruptive, or unsafe behavior.

Behavioral Health Intervention: A law enforcement or co-response action designed to stabilize a crisis, ensure safety, and facilitate access to treatment and support services.

Behavioral Health Partner: Any clinician, County agency staff, or allied professional assisting deputies in a behavioral health-crisis response (e.g., Health Care Agency (HCA), OC LINKS, Crisis Assessment Team (CAT), Psychiatric Emergency and Response Team (PERT)).

Tactical Disengagement: A planned and deliberate decision by deputies or supervisors to leave, delay contact, or delay custody when there is no longer an immediate threat to public safety. A plan to make contact at a different time and under different circumstances should be considered.

First-hand Caller: A person who is personally experiencing a behavioral health crisis, including those with suicidal ideations who have a manner or means to carry out their thoughts, but who are alone and otherwise not a danger to others or the public.

Second-hand Caller: A person reporting information on behalf of another individual possibly experiencing a behavioral health crisis or behavioral health episode, without first-hand observation or information indicating an immediate danger to others.

407.2 POLICY

The Department is committed to a multidisciplinary response model that prioritizes safety, de-escalation, and linkage to services. Deputies will collaborate with Behavioral Health Partners whenever feasible. The Department may limit or decline deputy response to incidents where there is no criminal element or imminent threat to public safety and instead connect callers/individuals to appropriate County mental-health resources (e.g., HCA, CAT, PERT).

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407.3 COMMUNICATIONS CENTER RESPONSIBILITIES

Call-takers and dispatchers play a critical role in identifying and appropriately dispatching calls involving individuals who may be experiencing a behavioral health crisis.

1. Call-takers shall screen calls for information suggesting a possible behavioral health crisis, such as a known history of behavioral health disorder, suicidal statements, or erratic or self-destructive behavior.
2. When a caller reports a crime in progress, a recent crime, or an incident involving an immediate threat to public safety, deputies shall be dispatched without delay.
3. When dispatch receives a call for service from a Firsthand Caller, they will not dispatch a deputy. Instead, the response guidelines set forth in Emergency Communications Bureau (ECB) Operations and Procedure Manual Section 440 will be followed. The caller will be transferred to an OC LINKS clinician who is able to provide immediate telephonic assistance and a dispatch of a mobile crisis response team as needed to the Person in Crisis. The Behavioral Health Partner may also refer the Person in Crisis to applicable government services.
4. When information is provided by a Secondhand Caller regarding a person who may be experiencing a behavioral health crisis and there is no crime or immediate danger to the public, a deputy will not be dispatched. Dispatchers will request that the Secondhand Caller encourage the person experiencing a behavioral health crisis to call OC LINKS directly to connect the individual with the most appropriate response for the situation. The caller will be transferred to OC LINKS for a Behavioral Health Partner to identify the best resource for the situation. OC LINKS may contact the individual in question and provide immediate telephonic assistance, follow-up to locate the suspected Person in Crisis and/or dispatch a CAT or recommend a PERT response. If, subsequently, the person experiencing a behavioral health crisis calls into dispatch, the calls will be linked and the protocols for a Firsthand Caller will be followed.
5. Adhering to the response guidelines set forth in ECB Operations and Procedure Manual Section 440 is required. However, dispatchers are permitted to request supervisor approval for deputy response when the information obtained on the call, coupled with their training and experience, supports the potential need for a law-enforcement presence due to public safety.
6. All calls involving potential behavioral health concerns shall be accurately documented in the Computer Aided Dispatch (CAD) system, including information received, actions taken, and rationale for the response or nonresponse.
7. The Dispatch Supervisor must be consulted whenever the appropriate response level is uncertain. The Department Commander provides final determination when a response level needs clarification.

407.4 LAW ENFORCEMENT RESPONSE

Deputies responding to a crime or a situation involving a danger to others due to a behavioral health crisis should assess the situation based on their observations, use calm communication, de-escalation techniques, and seek voluntary compliance when possible. When applicable, deputies should coordinate with CAT or other behavioral health clinicians and support the decisions of the

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behavioral health professionals. In circumstances where a deputy initiates a 5150 hold, deputies must have probable cause under Welfare & Institutions Code § 5150 that the person is a danger to self, danger to others, or gravely disabled. See Policy 409 for more detailed guidance on Mental Illness Commitments.

407.5 JUVENILE BEHAVIORAL HEALTH RESPONSE

Behavioral health crises involving juveniles under the age of 18 require adherence to Welfare and Institutions Code § 5585 et seq.

Field and Notification Considerations

Deputies should assess the individual's intellectual and developmental abilities, family dynamics, and communication style when determining an appropriate course of action. When practical and without compromising safety or the integrity of the response, deputies should ensure that a parent, legal guardian, or other responsible adult is present or notified during the interaction. If the individual meets the criteria for a behavioral health evaluation under Welfare and Institutions Code § 5585.50, deputies shall initiate the applicable procedures in accordance with POM Section 29. Parents or guardians should be presented with the option of voluntary hospitalization pursuant to Welfare and Institutions Code W&I § 6000. Juveniles shall not be transported to adult psychiatric facilities. If the juvenile is between the ages of 13 and 18 years of age, they may be eligible for a Crisis Stabilization Unit level of care at the County's Orange campus. Supervisors shall be notified upon identification of a juvenile mental health crisis to evaluate whether on-scene supervision is warranted, and parents or guardians should be notified as soon as practical. If the juvenile is a dependent or ward of the court, the assigned social worker or probation officer shall also be notified.

407.6 DE-ESCALATION

When responding to crimes or public safety emergencies involving persons experiencing behavioral health crises, deputies should attempt to utilize the following strategies to the extent feasible in the rapidly evolving situation. The following strategies are recommendations to reduce the potential of a threat to the safety of the deputies or others:

- Maintain a patient, calm, and deliberate demeanor in both speech and movement.
- Employ active listening techniques and minimizing unnecessary interruptions.
- Offer clear choices and reasonable time for individuals to process information and comply with lawful directives.
- Provide avenues of retreat when feasible, to avoid escalating perceived threats or cornering the subject.
- Avoid aggressive posturing, sudden, or rapid movements that may heighten fear or agitation.
- Avoid cornering individuals who are not exhibiting violent or suicidal behavior.

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- Avoid raising their voice, arguing, or issuing threats unless such actions are necessary to ensure safety.

407.7 SUPERVISOR RESPONSIBILITIES

1. Respond to the scene when significant safety concerns, prolonged engagement or potential use of force exist.
2. Ensure appropriate resources are requested when feasible.
3. Monitor communication and tactics to ensure deputies apply de-escalation and containment strategies consistent with policy and training.
4. Assess opportunities for tactical disengagement to reduce risk.
5. Review all relevant reports and documentation.
6. Ensure coordination with the Behavioral Health Bureau for follow-up or case review when the incident indicates an ongoing need for outreach or clinical involvement.

407.8 TACTICAL DISENGAGEMENT

A planned and deliberate decision by deputies or supervisors to leave, delay contact or delay custody when continued contact may increase risk. A plan to make contact at a different time and under different circumstances should be considered. This tactic should be considered when a deputy reasonably believes continued contact may result in an unnecessary risk to the individual in crisis, the public and/or department members.

Department Members may choose to strategically disengage to avoid resorting to force when the danger to the public or others is no longer imminent, and he/she has not committed a crime. There is a distinction between a suspect wanted for a crime and an individual who has not committed a crime but has expressed the desire to die by suicide. It is not a criminal act to express the desire or even attempt to die by suicide within one's home. Tactical Disengagement may be useful in situations where there is no threat to the public if deputies were to return at a later time.
Tactical situations vary and there is no single solution to resolving every incident.Disengagement is only one of many tactics that should be considered, if feasible, to potentially reduce the intensity of the encounter if believed it would de-escalate the situation

1. When feasible, deputies should notify a supervisor prior to tactical disengagement. When notified, supervisors should consider arriving on scene as soon as feasible,
2. If immediate notification is not feasible due to safety concerns, deputies shall notify a supervisor as soon as practical following disengagement or before clearing the call.
3. Tactical disengagement shall be clearly articulated in an incident report and the CAD, including the reason for disengagement, containment or follow-up strategy, resources requested or pending and notifications made.

407.9 INCIDENT REPORTING AND DOCUMENTATION

Deputies shall document all contacts with persons experiencing a behavioral health crisis in the CAD and associated reports, including observed behaviors, statements, disposition and resources provided. See Patrol Operations Manual Section 29 for additional guidance. Reports should

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clearly indicate whether the incident involved behavioralhealth intervention. Confidential medical or psychiatric information shall be handled in compliance with law and Department policy, including but not limited to Policy 805 (Records Maintenance and Release).

407.10 TRAINING

Members will receive periodic training on this policy through Crisis Intervention Training (CIT) and periodic department briefings.

Training will also enhance deputy understanding of crisis recognition, de-escalation, tactical communication, and safe resolution of incidents involving persons experiencing behavioral health crises. These may include, but are not limited to:

1. Behavioral Health Intervention Training
2. Strategic Communications
3. Supervisor's CIT Course (Patrol Supervisors)

Additional training opportunities may be provided periodically to ensure consistency with POST guidelines established under Penal Code § 13519.10 and to reinforce best practices for de-escalation, tactical disengagement, and appropriate behavioral-health response.

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Homeless Outreach and Liaison

408.1 DEFINITION

According to the U.S. Department of Housing and Urban Development (HUD) Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, homelessness is defined as, “An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings including: a car, park, abandoned building, bus or train station, airport, or campground”.

408.2 GOALS

1. When working with a homeless individual or family, the Department's mission is to work collaboratively with all other agencies and organizations with a focus on outreach and enforcement to assist the homeless population and provide them with access to available resources and services, while protecting the quality of life for the residents of Orange County.
2. The Department shall be part of a multidisciplinary effort including law enforcement (OCSD and allied agencies), the Office of Care Coordination, OC Healthcare, mental health workers, fire, hospitals, public works, code enforcement, park rangers, residents, businesses, service providers, and homeless advocate groups to transition homeless individuals off the streets.
3. A major short term goal is the immediate transition of a homeless individual into either a shelter or other form of bridge housing. Although this transition is often accomplished by linking the homeless individual with an appropriate case manager such as the Health Care Agency (HCA), City Net, Mercy House, Illumination Foundation, or other entities, nothing prevents the individual patrol deputy or Behavioral Health Liaison from transporting a subject to shelter/housing if the resource is available and the subject is willing to utilize the service. The deputy shall remain with the subject until they are accepted into the facility. Care Coordination – Additional Documents | Orange County CEO's Office

408.3 ENFORCEMENT CONSIDERATIONS

1. The Department has a primary focus on outreach but may enforce any laws and city ordinances when appropriate.
2. Where feasible, individuals who are experiencing homelessness may be offered a warning for related offenses (anti-camping, anti-loitering, and trespassing) and given an opportunity to immediately relocate to a location where they may lawfully be prior to citation or custodial arrest for anti-camping or anti-loitering ordinances.
3. To locate an available shelter bed, the deputy should use the Office of Care Coordination or appropriate service provider for the area or city where the individual is contacted. The deputy can call the appropriate shelter directly as well. The deputy should verify whether the individual refuses the available shelter bed. The deputy shall document in his or her report the availability of the shelter bed and the individual's refusal to accept the shelter bed.

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4. Unless the initial call for service or interaction is immediately dangerous, it is important for deputies to take their time during an investigation. Mental illness and drug addiction are potential problems which can be addressed through patience and understanding while maintaining officer safety.

5. Mental health issues are a component of dealing with homeless individuals. Refer to POM Section 29 for guidance in dealing with Mental Health and W&I 5150 issues.

6. Patrol deputy contacts with homeless individuals should be documented with an appropriate CAD entry. The individual's information shall be entered into the OCSD Field Interview Tracker application and the appropriate RIPA database. The individual's biographic information should be entered, along with a narrative entry describing contact and any services offered. Any information that may assist with connecting the individual to services should be forwarded to a Behavioral Health Liaison by sharing the incident number. These contacts shall be cleared with a Homeless disposition.

7. Search and seizure of a homeless individual's property is no different from search and seizure as it relates to any other law enforcement functions. The Fourth Amendment prevents searches and seizures which are unreasonable. As a result, the "totality of the circumstances" shall be well documented and fact specific in all incidents involving a search/seizure of property. Examples of specific facts include existence of posted "no trespassing" signs, previous outreach efforts, previous warnings, prior citations at the same location, the surrounding environment (fencing, barricades, ease of public access), condition of the property (degree to which the contents are exposed to public view reducing expectation of privacy), knowledge of trespass, probable cause for the search, and length of time the property has remained occupied continuously at a specific location.

8. Repeat Interactions - Most interactions with the homeless population will be one of repeat interactions. Over time, Behavioral Health Liaisons and patrol deputies may be able to establish working relationships with the homeless population which could result in the homeless individual being more receptive to accepting services. As a result, voluntary compliance is the preferred method when conducting enforcement. By presenting a firm, fair, professional, and understanding demeanor and attitude, deputies will be in a better position to understand the specific needs of the subject and offer the best resource to begin the transition process.

9. Identification - When issuing misdemeanor citations, deputies shall document how the subject was identified. Verbal identification by the subject is not positive identification. Furthermore, possession of California Benefits Cards (EBT) or other paperwork without a photograph does not qualify as valid identification for purposes of charging a crime. Identification of subjects should be verified via DMV photograph, MobileID devices, criminal records (booking photos), prior knowledge, or unique and distinguishing features such as tattoos.

10. Whenever possible, enforcement documentation should include the availability of shelter beds at the time of enforcement, attitude or degree of willingness of the subject toward participating in outreach services, past efforts at outreach, and agencies contacted for possible follow-up and case management (HCA, City Net, Mercy House, OC Link, city specific services, non-profits etc.).

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11. Referral to Collaborative Courts:

    While issuing a citation or making a custodial arrest for an anti-camping or anti-loitering ordinance, deputies should advise a homeless individual they can request acceptance into the Collaborative Court and providing the Public Defender's phone number of (657) 251-6090, providing the individual with the OC Resource Guide that contains the number or providing the County of Orange Superior Court Outreach Court pamphlet.

408.4 HAZARDS

1. Dealing with Homeless populations requires an officer safety mindset beyond tactical considerations. Deputies should be aware of health and environmental hazards such as uncapped needles, fecal matter and other bodily fluids, and potential communicable diseases like MRSA, which may be transmitted through contact with open wounds and sores.
   (a) Wear gloves while searching subjects and property. Remove gloves while using your MDC or before entering your vehicle. Replace your gloves frequently while transitioning between searches and bagging evidence.
   (b) Be aware of open fires, dust, and confined spaces which may present health hazards that require the use of special equipment and training.

408.5 HOMELESS SERVICES SYSTEM (OCSD FIELD INTERVIEW TRACKER APPLICATION)

1. Department surveys published through the OCSD Field Interview Tracker application and maintained by the OCSD Technology Division shall be the only Database used by Members of the Department when documenting encounters and dispositions with homeless subjects. Access to the OCSD Field Interview Tracker application shall only be done through Department issued electronic mobile devices.
2. The OCSD Field Interview Tracker and Dashboard applications provide a mobile application and software suite used by the Department and their Adult and Family Multi Disciplinary Team (MDT) partners to identify homeless subjects, and assist in linking those homeless subjects to services. This Database shall be used collaboratively by members of the MDT with the primary intent of outreach and engagement. The application will allow participating agencies to share information for the purpose of facilitating expedited identification, assessment, and linkage of homeless individuals or families to housing and supportive services.
3. Any member of the MDT who receives information or records from this application shall agree to keep the information or records confidential, to be used only for purposes set forth in Policy 408.6.2 above.
4. All County departments who have access to the information shared by the participating agencies shall sign a confidentiality statement that includes at a minimum general use, security safeguards, acceptable use, and enforcement policies.
5. The sharing of information shall be governed by an MOU or protocols developed by the County of Orange.

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6. Department IT or OCIT shall employ security controls to ensure data confidentiality, integrity, and prevention of unauthorized or inappropriate access, use, or disclosure.
7. Information entered in the Database shall be retained indefinitely or until a record retention schedule is approved by the Orange County Board of Supervisors, setting a retention period.

408.6 PROPERTY

1. Safekeeping is non-evidentiary property that is temporarily stored with the Property-Evidence Unit for protection on behalf of the owner.
2. Temporary Safekeeping of Property is governed by California Civil Code 2080.10.
    (a) When the Department takes possession of personal property for temporary safekeeping, the Department shall do all of the following:
        1. Take responsibility for the storage, documentation, and disposition of the property.
        2. Provide the person from whom the property was taken with a receipt and instructions for the retrieval of the property. The receipt and instructions shall either be given to the person from whom the property was taken at the time the Department obtains the property or immediately mailed, by first-class mail, to the person from whom the property was taken. For homeless persons, the receipt and instructions shall be given to the person.
        3. If the Department has knowledge that the person from whom the property was taken is not the owner, the Department shall make reasonable efforts to identify the owner. If the owner is identified, the Department shall mail, by first-class mail, a receipt and instructions for the retrieval of the property. If the owner is homeless without a mailing address and is able to be located with reasonable efforts, the receipt and instructions shall be given to the owner.
        4. The receipt and instructions shall notify the person from whom the property was taken that the property must be claimed within 90 days after the Department obtains possession or the property shall be disposed of in accordance with the disposal provisions of this article. Within 90 days (the 90 days is per Department Policy), the person may do one of the following:
            (a) Retrieve the property.
            (b) Authorize in writing another person to retrieve the property.
            (c) Notify the Department in writing that he or she is unable to retrieve the property, because he or she is in custody, and request the Department to hold the property. If a person notifies the Department that he or she is unable to retrieve the property within 90 days, or have an authorized person retrieve the property, the Department shall hold the property for not longer than 10 additional months.
3. Release of property to owner is governed by California Civil Code 2080.2.

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(a) If the owner appears within 90 days, after receipt of the property by the Department, proves his/her ownership of the property, and pays all reasonable charges, if any, the Department shall restore the property to him/her.

4. If deputies collect non-evidentiary property, the "Safekeeping" form shall be utilized. See Policy Section 802 - Property and Evidence for further information. Per department safekeeping policy and the California Civil Code, property shall be retained for a minimum of 90 days.

5. 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, which includes transferring control to a designated responsible person. If the above cannot be accomplished, the property should be collected for safekeeping.

   (a) If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted for disposition and possible collection by an allied agency such as city/county public works. The arrestee shall be provided written notice of the location where the arrestee's property may be claimed if the property is collected by an allied agency.

6. The collection and tagging of property should be the responsibility of the jurisdictional agency of where the cleanup occurs (i.e. county or city public works).

7. The California Interagency Council on Homelessness (Cal ICH) recommends that a minimum of 48 hours' advance notice be provided prior to any encampment removal operation. A reduced notice period may be authorized when exigent circumstances exist, including, but not limited to, conditions that pose an imminent threat to life, public health, safety, or critical infrastructure protection.

8. Deputies who encounter encampments or large collections of property in public areas should inform the city Behavioral Health Liaison for guidance in finding a long term disposition.

9. Documentation of property goes beyond written documentation in reports. Best practice includes taking video via body worn camera. Documentation includes the initial state of the property (long, mid, close range photos), and a detailed inventory of property recovered. Furthermore, consider verbal narration during the incident: describe sights, smells, hazards, items of value, and items which a reasonable person would classify as having no intrinsic value.

10. Property that shall not be stored:

    (a) Property that presents a danger to Department personnel including but not limited to: hazardous, flammable, or biohazard materials, items contaminated with human or animal waste, items that are wet and present a mold hazard, batteries.

    (b) Property that is obviously abandoned or trash.

    (c) Property whose owner has identified it as trash or no longer wanted.

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408.7 RESOURCES AVAILABLE TO THE FIELD DEPUTY

1. Homeless MDT's.
2. City assigned Behavioral Health Liaison(s).
3. OC Links: 855-OC-LINKS (625-4657) is a referral line for services including children and adult mental health, alcohol and drug inpatient and outpatient, crisis programs, and prevention and early intervention services.
4. Homeless Resources Trifold (contains numerous area specific resources for armories, county resources, mental health, hospitals, non-profit and faith based community), and is available in electronic form from the Orange County Office of Care Coordination (Care Coordination – Additional Documents | Orange County CEO's Office).
5. SPA (County Service Planning Area) Pocket Guides for North, Central, and South County contain numerous region-specific county resources. These guides are available in electronic form from the Orange County Office of Care Coordination (Care Coordination – Additional Documents | Orange County CEO's Office).
6. Many of the Department's contract partners have contracted with service agencies such as City Net or Mercy House to provide homeless outreach services in our contract cities. These agencies are valuable resources in the areas they cover and have access to many different shelter options.

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Psychiatric Evaluation and Commitments

409.1 PURPOSE AND SCOPE

This policy provides Deputy Sheriffs of the Orange County Sheriff's Department guidelines for taking a person into custody for psychiatric evaluation and treatment Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

409.2 POLICY

It is the policy of the Orange County Sheriff's Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment process.

409.3 AUTHORITY

A deputy may take a person into custody and place the person in an approved mental health facility for treatment and evaluation when the deputy has probable cause to believe that, as a result of a mental health 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).

Criteria for a Welfare and Institutions Code § 5150 or Welfare and Institutions Code § 5585.50 psychiatric hold

A person may be placed on an involuntary psychiatric hold if, as a result of a mental health disorder/ intellectual disability, they meet one or more of the following criteria:

1. Danger to Self

    a. An individual is considered a danger to themselves if they:

        i. Express by words or actions that they are having thoughts or the intent to commit suicide

        ii. Express by words or actions that they are having thoughts or the intent to inflict bodily harm on self, or access to means to harm themselves

2. Danger to Others

    a. An individual is considered a danger to others if they:

        i. Express by words or actions homicidal ideation or intent

        ii. Express by words or actions thoughts or intent to cause bodily harm to another person, including making immediate threats of bodily harm to others

        iii. Have a plan or immediate access to means to harm others

3. Gravely Disabled

    a. A condition in which a person, as result of a mental health disorder, Severe Substance Use Disorder (SUD) or a co-occurring mental health disorder and Severe SUD, is unable to provide for their basic needs of food, clothing, shelter, personal safety or necessary medical care. To be Gravely Disabled, the person will:

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i. display such serious faults in comprehension or judgment as to make him/her unable to use the means at his/her disposal to provide for his/her basic personal needs; or

ii. display his/her inability to request assistance voluntarily to meet these needs.

Examples of Gravely Disabled Behavior:

FOOD: The person is malnourished and dehydrated; little or no food in house and person is unable to establish where or how he/she obtains meals; person has no realistic plan for obtaining meals; person has repeatedly stated he/she no longer intends to eat; person has been losing substantial weight without reasonable explanation; person repeatedly eats items not ordinarily considered fit for human consumption; refusal to leave jail cell for multiple days and refusing food/water due to depression resulting in dehydration.

CLOTHING: person regularly fails to wear clothing; person not wearing appropriate level of clothing necessary to ensure safety during prevailing climatic conditions; person has no realistic plan for obtaining clothing.

SHELTER: person has no realistic plan for obtaining shelter; person has a room but refuses to use it and instead sleeps outside in the backyard; person sleeps in dangerous conditions like roof or other dangerous/unfit places that put the person at risk of harm; breaks into buildings or homes for shelter.

All such examples must be shown to be the result of a mental disorder and not merely the result of a lifestyle or attitude choice. It must also be established that the person is either unwilling or unable to voluntarily accept needed treatment.

It should also be noted that the mere presence or possession of food, clothing, or shelter does not, in itself, invalidate the condition of "Grave Disability." The deciding factor is often the inability to utilize food, clothing, or shelter.

For example, a person whom repeatedly eating garbage because he/she feels the food in his/her house has been poisoned is Gravely Disabled despite the presence of food. A 5150 is then appropriate because, as a result of a mental disorder, this person is unable to utilize normal edible products that he/she possesses.

What is not Gravely Disabled Behavior:

1. It does not include persons with intellectual disabilities by reason of that disability alone.

2. A person is not Gravely Disabled if that person can survive safely without involuntary detention with the help of a responsible family, friends, or others who are both willing and able to help provide for the person's basic personal needs for food, clothing, and shelter. Family, friends, or others shall not be considered willing or able to provide help unless they specifically indicate their willingness and ability to help provide the person's basic personal needs for food, clothing, and shelter.

Severe SUD

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Deputies are not expected to diagnose Severe SUD. They should clearly describe the observable behavior or conditions that justify a W&I 5150 and W&I 5585.50 hold being placed due to a Severe SUD. These observations should align with the Diagnostic and Statistical Manual of Mental Health Disorders (DSM) criteria and support probable cause for detaining someone due to a Severe SUD.

Refer to Patrol Operations Manual section 29 for definitions of Severe Substance

Use Disorders and DSM criteria

When determining whether to take a person into custody, deputies are not limited to determining the person is an imminent danger based on their own observations and shall consider reasonably available information about the historical course of the person's mental disorder, mental health emergency, intellectual development disability, 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) The person subject to the determination or anyone designated by the person,

(c) A family member.

409.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who qualifies for a W&I 5150 commitment, the deputy may ask whether the person is willing to voluntarily be evaluated at an appropriate facility. If the person agrees and the deputy finds it appropriate, the deputy should:

(a) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

(b) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.

(c) If at any point the person changes his/her mind regarding voluntary evaluation, the deputy should proceed with the W&I 5150 commitment.

If an individual under 18 qualifies for a W&I 5585.50 commitment, the deputy should:

(a) Consult with the parent or guardian to determine whether they are willing to voluntarily seek an evaluation and/or admission at an appropriate facility.

(b) Document the circumstances surrounding the parent or guardian's desire to pursue voluntary evaluation and/or admission.

If at any point, the parent or guardian changes his/her mind regarding voluntary evaluation, the deputy should proceed with the W&I 5585.50 commitment.

Lanterman-Petris-Short Act (LPS) Designated Hospital Facilities

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Refer to the Patrol Operations Manual for a list of LPS designated facilities authorized to evaluate and treat individuals experiencing a Behavioral health crisis and/or those placed on a Welfare & Institutions Code (W&I) 5150 or 5585.50 hold.

W&I 5150 (Adults) / 5585 (Children & Adolescents) Field Response Overview

- Deputies should contact the Crisis Assessment Team (CAT) through the County Health Care Agency.
- The Psychiatric Evaluation Team (PET), also known as the Crisis Response Team (CRT), is available 24/7. They are authorized by the County to conduct W&I 5150 and W&I 5585 evaluations at locations including:
    - Hospital emergency departments
    - Hospital medical floors
    - Police stations
    - College Hospital

Transport Guidelines

Deputies should make reasonable efforts to contact Crisis Stabilization Units (CSU) or other LPS-designated facilities prior to transporting individuals.

Key Differences in W&I 5150 (Adult) vs. W&I 5585.50 (Minor) Procedures

For individuals under 18:

- All reasonable efforts must be made to notify and involve the parent or legal guardian in the evaluation process.
- If a minor is found to meet criteria for psychiatric hospitalization, the parent or guardian must be offered the opportunity to pursue voluntary admission under W&I Code 6000.
- Deputies do not need parental approval to place a W&I 5585.50 hold when legal criteria are met.

Acceptance of Patients

Two provisions of the Welfare and Institutions Code govern the acceptance of 5150 & 5585 WIC patients at designated facilities and the amount of time that handling deputies may be delayed at the facility while transferring patients:
Section 5150.1 prevents designated facilities from turning away a patient who has been transported to the facility for evaluation by a peace officer.
Section 5150.2 prevents a designated facility from delaying the transporting peace officer longer than is needed to complete the required documentation and the "safe and orderly transfer of physical custody" of the patient.

Deputies should maintain supervision of the patient until the receiving psychiatric facility assumes custody.Deputies are not required to remain at the designated facility pending any mental health evaluation of the patient.The designated facility is not required to keep the patient for the

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maximum 72-hour period.After assessment, if the facility concludes that continued detention is not necessary, the facility may release the patient.

409.4 SECURING OF PROPERTY

When the 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 the possession of or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The disposition of the property shall be detailed in a Casualty Report or "Non-criminal" template within the FBR application (if applicable) and a Property Receipt shall be provided to the person if property is taken for safekeeping or when a weapon(s) has been seized. Any property seized or taken for safekeeping shall be booked into Sheriff's Evidence in accordance with the policies and procedures of the Department.

409.5 DOCUMENTATION

The deputy shall complete an Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment, provide it to the facility staff member assigned to that patient and retain the duplicate for Department records.

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; Welfare and Institutions Code § 5585.50).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

An Incident Report template within the Department's electronic reporting system (if applicable) shall also be completed.

409.6 ADVISEMENT

The deputy taking a person into custody for evaluation shall read the "Detainment Advisement" on the Application For Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment DHCS 1801 form in order to meet the requirement of W&I 5150(g)(1).

If the person is being placed on a W&I 5150 / W&I 5585.50 psychiatric hold by a CAT Team member, the advisement should be completed by the CAT Team member.

409.7 CRIMINAL OFFENSES

A deputy investigating an individual who is suspected of committing a minor criminal offense (e.g. CPC 647(f), CPC 602, H&S 11550) and who is being taken on a W&I 5150 commitment should resolve the criminal matter by issuing a verbal warning, a Notice to Appear or an Initial Crime

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Report as appropriate. Any questions regarding the seriousness of a crime should be directed to the deputy's supervisor.

When an individual who may qualify for a W&I 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.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the W&I 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 W&I 5150 commitment.

409.8 FIREARMS AND OTHER DEADLY WEAPONS

Whenever a person is taken into custody for a W&I 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. Whenever a person, who has been detained or apprehended for examination of his or her mental condition or who is a person described in Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103, is found to own, have in his or her possession or under his or her control, any firearm whatsoever, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon (Welfare and Institutions Code § 8102(a)).

Any confiscation of a firearm or other deadly weapon must be in accordance with current search and seizure law. 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). If consent is given by the subject to collect firearms, a consent to search form should be completed and be booked as evidence. A search warrant may also be needed before searching for or seizing weapons where consent is not granted, and firearms are locked in a safe (See Penal Code 1524(a)(10)). If a W&I 5150 hold is written, it is sufficient to collect firearms with no Gun Violence Restraining Order (GVRO) if consent is given.

The deputy shall issue a property 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 confiscated (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy). Deputies shall also notify the intake person of an accepting mental health facility the detainee had a firearm or other deadly weapon confiscated.

409.8.1 PETITION FOR RETURN OF FIREARMS AND OTHER DEADLY WEAPONS

Whenever a 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 Behavioral Health Bureau, which shall be responsible for

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initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon shall 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, via County Counsel, 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 shall result in the forfeiture of any confiscated weapon.

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Ride-Along Program

410.1 PURPOSE AND SCOPE

The Orange County Sheriff's Department ride-along program provides an opportunity for professional staff, Sheriff Explorers, and citizens to experience field-level law enforcement first hand. This policy provides the requirements, approval process, and hours of operation for the ride-along program. In addition, this policy shall maintain a consistent means of approving and monitoring the ride-along program.

410.1.1 ELIGIBILITY

The Department's ride-along program is offered primarily to residents and those employed by, or who volunteer for the County to include Professional Staff, County Members, Sheriff Reserve Deputies, and Sheriff Explorers. Every attempt shall be made to accommodate interested persons. However, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant:

1. Being under the age of fourteen
2. Prior criminal history
3. Pending criminal action
4. Pending claim or lawsuit against the County and/or the Orange County Sheriff's Department
5. Denial by any supervisor

410.1.2 AVAILABILITY

The ride-along program is available on most days of the week depending upon the projected activity and workload of a pending shift. Ride-along times for non-sworn individuals with the exception of Adult Explorers (see Policy 410.2.5.5) shall be 0600 to 2300 hours. There shall be no time restrictions for non-department Peace Officers and/or sworn Members.

Exceptions to the ride-along policy may be made as approved by the Sheriff, Undersheriff, and/or an Assistant Sheriff.

410.2 CIVILIAN AND/OR PROFESSIONAL SERVICE RESPONDER PROCEDURE TO REQUEST A RIDE-ALONG

Generally, the ride-along request shall be processed and scheduled by the Command with which the participant desires to ride along. Ride-along applications may also be obtained through Professional Standards.

Participants must read and understand the ride-along policy/waiver. The participant then must complete and sign both the ride-along application and liability waiver forms. Signing and submitting the application/waiver authorizes the Department to conduct a criminal records check for non-Member civilian ride-along applicants. Records/criminal history checks shall be conducted by the Commander or his designee. Information requested shall include a valid government-issued

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identification, address, telephone number, and emergency contact information. If the participant is under 18 years of age, a parent or guardian must be present to complete the ride-along application, liability waiver, and medical treatment consent form.

If the ride-along request is processed through Professional Standards, the completed application and waiver shall be forwarded to the appropriate Command for approval.

Approval shall be evaluated on a case by case basis pursuant to the needs of the Division, the Command, and the best interests of the Department. Any decision in question shall be reviewed and the Commander or his/her designee shall make the final decision.

If approved, a copy of the application and waiver shall be returned to the Professional Standards Division which will maintain both items for two years pursuant to the Department's records retention policy. An additional copy of the approved application shall be retained at the respective command with which the participant is requesting to ride-along.

Based on availability, the participant shall be scheduled for a ride-along date within approximately 30 days from the date of approval. Once an approved ride-along request is received, the receiving Commander or his/her designee shall make arrangements for the ride-along and notify the applicant of the granted approval and date of the ride-along.

If approved for a ride-along, PSRs shall wear their respective uniforms as authorized by their Command and/or Command Staff.

A ride-along application and Commander's approval shall be required for every new ride-along request, regardless of how many times in the past the individual has participated in the program. Each new ride-along request shall be at the discretion of the Commander.

If the ride-along is denied, a representative of the Sheriff's Department shall contact the applicant by telephone or e-mail and advise him or her of the denial.

410.2.1 REQUIRED DOCUMENTS FOR CIVILIANS AND PROFESSIONAL SERVICE RESPONDERS

1. Ride-Along application and medical treatment consent form [signed] by a parent or guardian if participant is a juvenile. The juvenile's parent or guardian while in the presence of a Department ride-along coordinator must sign this form.
2. Ride-Along liability waiver [signed]
3. Ride-Along opinion survey
    (a) The Sheriff's Member in control of the ride-along shall be responsible for providing a ride-along survey form to his or her ride-along participant. This survey may be completed at the conclusion of the ride-along and/or mailed to the Department at a later date.
4. All forms shall be maintained by the Professional Standards Division pursuant to the Department's records retention policy.
5. Individual Commands shall maintain copies as needed.

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6. Ride-along applications, liability waivers, and medical treatment consent forms may be obtained from the Document Center, located on the Department's Intranet.

410.2.2 RIDE-ALONG PROGRAM RULES AND REQUIREMENTS FOR CIVILIANS AND PROFESSIONAL SERVICE RESPONDERS

1. Any person approved to ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks, and shoes. Sandals, T-shirts, tank-tops, shorts, ripped and/or torn clothing is not permitted. Hats and ball-caps shall not be worn in the patrol vehicle. The Department Commander or field supervisor may refuse a ride-along to anyone not properly dressed.
2. All ride-alongs shall be scheduled for a minimum of two hours. Wherever possible, the ride-along should begin at the scheduled briefing of the Sheriff's Member responsible for the ride-along participant.
3. Cameras, video, audio recorders, and/or other recording devices are not allowed during a ride-along. Cellular phones are permitted, but the video/audio recording feature is not to be utilized under any circumstances.
4. Consumption of alcoholic beverages before or during the ride-along is not permitted.
5. Ride-alongs may be scheduled anytime between 0600 and 2300 hours.
6. Spouses, legal dependents, and persons having a dating or close relationship with any deputy shall not be allowed to ride-along with the involved deputy.
7. Participants riding along in an official capacity may wear the approved uniform of their assigned job classification.
8. Unless authorized to do so, participants shall not review any official report or record of the Orange County Sheriff's Department.
9. A ride-along participant may be exposed to privileged and/or confidential information. To participate in the ride-along program the participant must agree to treat all matters they witness as confidential and not divulge any information other than to a properly authorized county, state and/or federal employee.
10. Uniform patrol includes, but may not be limited to the following: Marked vehicle street level patrol and Harbor Patrol.
11. Ride-alongs with Specialty Details (e.g. gang unit) require approval from Executive Command.
12. Ride-alongs with the Air Support Bureau require approval from Executive Command.

Note: Exceptions to any of the aforementioned rules and requirements may only be granted by the respective Commander.

410.2.3 OCSD PROFESSIONAL STAFF RIDE-ALONG

All professional staff desiring to participate in the ride-along program must obtain approval from their Commander, as well as approval from the appropriate Commander of the Division with which the Member desires to ride along. This shall be accomplished via intradepartmental memorandum

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(blue slip) on a one-time basis. The professional staff Member's memo should also indicate the staff Member has read and fully understands the ride-along policy.

Professional staff shall route their request through their Chain of Command. Once approved by their Commander, the form shall be forwarded to the appropriate Commander for approval. Professional staff shall be notified by e-mail as to the status of their request. Approval may be suspended if deemed necessary.

A new request must be approved, as described above, for each individual ride-along. Professional staff shall not be required to sign a liability waiver.

410.2.4 ORANGE COUNTY SHERIFF RESERVES RIDE-ALONG

Pursuant to "POST" guidelines, Deputy Sheriff Reserves may ride-along and participate as authorized pursuant to their individual Reserve Status Level (Level-I, II, II).

Reserve Deputies desiring to participate in the ride-along program must have successfully completed the reserve academy and shall obtain the approval of their Commander as well as the approval of the appropriate Commander. This shall be accomplished by utilizing the Department authorized Ride-Along Request form located on the Intranet.

Reserve Deputies shall route their request through their chain of command. Once approved by their Commander, the form shall be forwarded to the appropriate Commander for approval. Upon approval by the Commander of the Division with which the Reserve requests to ride-along, the reserve deputy's name shall be placed on a list of approved ride-alongs and the reserve deputy shall be notified by telephone or e-mail of their approval. Approval may be suspended if deemed necessary. Reserves shall wear their respective uniforms as authorized by their Command and/or Command Staff.

410.2.5 SHERIFF EXPLORER RIDE-ALONG

Pursuant to Sheriff Explorer guidelines, Explorers must have successfully completed an Explorer Academy and be patrol ride-along certified. The Sheriff Explorer will need to secure ride-along approval via their chain of command, sign their respective liability waiver, and then submit a Department ride-along request as described above. If an Explorer is under eighteen years of age, the Explorer's parent must sign the ride-along liability waiver and Medical Treatment Consent form while in the presence of an Explorer Coordinator or Advisor. Explorers shall not be required to fill out a ride-along application.

1. The Explorer's Advisor must approve the ride-along and must be advised of the Deputy with whom the Explorer is scheduled to ride with.
2. Approval from the field supervisor in the area where the ride-along is taking place.
3. Sheriff Explorers shall wear their respective uniforms as authorized by their Command and/or Command Staff.
4. Explorers must have approved body armor to participate in a ride-along.
5. Adult Explorers may only ride from 0530 to 0200 hours. Minor Explorers may ride from 0530 to 2200 hours.

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6. Explorers may only participate in one ride-along every two weeks and may not ride with the same Deputy or Sheriff Member more than once per month.
7. Fraternization between the Deputy (or any Sheriff's Department Member) and the Explorer, on or off duty, regardless of whether the Explorer is an adult, is prohibited.
8. The Explorer's Advisor must debrief the Explorer after every ride-along, to determine if all policies were followed and the Explorer acted appropriately.
9. If an Explorer acts inappropriately in any manner, the Deputy or Sheriff's Member must notify the Explorer's Advisor immediately.
10. Explorers may participate on a ride-along with a relative from the Department, twice a year. This ride-along must be approved by the Explorer Coordinator and the Department Member's Commander.

410.3 SWORN MEMBERS RIDE-ALONGS

Sworn Members of the Department shall only participate in a Departmental ride-along while the Member is on-duty and in lieu of their regularly assigned shift. The sworn Member must be free of any temporary work restrictions.

1. *To participate in the PatrolOperations Command or Coroner's Division ride-along program, the Member must obtain written approval (intradepartmental memorandum) from their Commander as well as written approval from the appropriate Patrol Operations or Coroner Division Commander.*
2. *The intradepartmental memo shall not apply to Deputies in the Patrol Operations' Field Training Program (phase five).*

410.3.1 NON-DEPARTMENT PEACE OFFICER RIDE-ALONGS

Peace Officers from outside law-enforcement agencies shall not be permitted to ride-along with on-duty Deputy Sheriff's, Deputy Coroners, or other Department Members (i.e. OCCL) without the expressed consent of the Department Commander. In the event that such ride-along is permitted, the Peace Officer shall wear civilian attire and complete the Department's liability waiver. The non-department Peace Officer riding-along may carry a concealed weapon as allowed by law and permitted pursuant to their agency’s rules and regulations. The Peace Officer 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.

410.4 SHERIFF MEMBER RESPONSIBILITIES

A Sheriff's Member with a ride-along shall advise dispatch a ride-along is present before going into service. Sheriff's Members should use sound discretion when encountering potentially dangerous situations, and if deemed necessary, the ride-along participant may be left in a safe location prior to responding to the situation or confronting the danger in question. As soon as possible, dispatch should be notified as to the location of the ride-along participant. Dispatch shall, when possible, make arrangements for a non-involved deputy or other Member to respond and pick up the ride-along participant.

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410.5 CONTROL OF THE RIDE-ALONG PARTICIPANT

The assigned Sheriff's Member shall maintain control over the ride-along at all times and instructs the participant which conditions may limit their participation. These instructions should include but not be limited to the following:

1. The participant will follow any lawful direction of the assigned Sheriff's Member.
2. The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any Department equipment.
3. The ride-along participant shall not interfere or obstruct a Sheriff's Member in the performance of his or her duties. If deemed necessary, the Sheriff's Member may at any time terminate the ride and return the participant to where the ride originated as soon as practicable.
4. The participant may be allowed to continue riding with a deputy during the transportation and booking process provided this does not jeopardize their safety.
5. The ride-along participants will be allowed to accompany a deputy into the jail and to observe the booking process, with the exception of the medical triage, which the ride-along participant should not be allowed to hear pursuant to (HIPAA) Health Insurance Portability and Accountability Act mandates.
6. A Sheriff's Member should not allow any ride-along participant to be present in any residence or situation that would unduly jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
7. **Under no circumstance shall a civilian ride-along be permitted to accompany a Sheriff's Member when entering a private residence or private property not normally accessible to the public without the expressed consent of the resident or other authorized person.**
8. All ride-along participants shall abide by the ride-along policies and procedures as outlined in this material and the lawful and appropriate directions of the Sheriff's Member in charge of the ride. A ride-along can be terminated at any time with or without cause.

410.6 RIDE-ALONG PROCEDURES

Each person participating in a ride-along shall report to the designated location at the beginning of their ride-along shift. For Patrol or Coroner ride-alongs, each person shall contact the on-duty field supervisor or Supervising Deputy Coroner for the area they are riding in and be paired with a deputy for that area.

On-duty field supervisor shall ensure the ride-along is on the approved ride-along list and has the appropriate equipment. The name of the ride-along shall be added to the Watch List and dispatch shall be notified. A ride-along shall be denied if the person's name is not on the approved list or if prior notification from the Operations Commander is not received.

The deputy in charge of the ride-along shall document the name of the ride-along on their Patrol Daily Activity Log, via the CAD, in the appropriate area. Additionally, the deputy in charge of the

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ride-along shall ensure all equipment utilized by the ride-along participant is returned at the end of each shift. Only sworn Department Members should handle and or utilize Department equipment.

410.7 RECORDS RETENTION

All applications, liability waivers, and medical treatment consent forms for ride-alongs shall be forwarded to the Professional Standards Division, which shall retain the records in accordance with the Department's records retention schedule.

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Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and the legal requirements relating to immigration in a non-custodial setting. The Custody and Court Operations Manual section 1206 addresses immigration guidelines related to custodial settings.

414.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code §§ 7283):

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.

Hold request - A federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE.

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.

414.2 POLICY

It is the policy of the Orange County Sheriff's Department that all Members make a personal and professional commitment 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.

414.3 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.

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414.4 IMMIGRATION INQUIRIES PROHIBITED

Members shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6). This does not prevent Members from inquiring into a victim's immigration status in order to determine whether they are a victim of a crime or trafficking victim in order to obtain a U or T Visa, or asking arrestees/inmates about place of birth or citizenship to comply with consular notification requirements (see 414.5.1).

414.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

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).

414.5 DETENTIONS AND ARRESTS

The immigration status of a suspect does not limit a Member's ability to contact, investigate, detain based on reasonable suspicion, or arrest a suspect based on probable cause for a violation of a California state statute or local ordinance as long as the Member did not initiate the investigation because of the suspect's immigration status. However, Members shall not detain any individual, for any length of time, for a civil violation of federal immigration laws, a civil immigration warrant, a hold request, or any other immigration enforcement purposes except as set forth below.(Government Code § 7284.6).

A Member 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.

If the Member 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 Member should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

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414.5.1 CONSULAR NOTIFICATION

In the event a known or suspected foreign national is arrested and booked or detained for more than two hours, they shall be advised of their right to communicate with an official from the consulate of their county. This notification shall be done by the arresting officer. If the foreign national is a citizen of one of the Countries requiring mandatory notification, the notification shall be done by the arresting officer regardless of the foreign national's request to the contrary (Penal Code § 834c).

414.6 FEDERAL REQUESTS FOR ASSISTANCE

A Member shall not assist immigration authorities with the enforcement of immigration law or perform the functions of an immigration officer. 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, with guidance from the Department Commander, is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

414.6.1 SCOPE OF DEPARTMENT PARTICIPATION

The Orange County Sheriff's Department may participate in joint law enforcement task forces with federal authorities if the primary purpose of the task force is not immigration enforcement. The primary purpose must be both lawful and related to a violation of state or federal law that is unrelated to immigration enforcement. While on a task force with federal authorities, confidential information may be shared for the purpose of the investigation being conducted. Federal immigration authorities cannot be used as interpreters.

414.6.2 FEDERAL USE OF DEPARTMENT FACILITIES

Immigration authorities cannot be provided with dedicated office space within Department facilities, or house federal detainees for purposes of civil immigration custody (Government Code § 7284.6).

414.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

1) The Population Management Unit Sergeant 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 for required annual reporting to the DOJ (Government Code § 7284.6(c)(2).

2) If the Orange County Sheriff's Department participates in a joint law enforcement task force, where personnel or resources are dedicated on an ongoing basis, the Investigative Administration Manager(s) will report the following information to the Attorney General annually (Government Code § 7284.6(c)(1):

a. The purpose of the task force
b. The federal, state and local law enforcement agencies involved
c. The total number of arrests made during the reporting period
d. The number of people arrested for immigration enforcement purposes.

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Immigration Violations

See Lexipol policy 609 U Visa and T Visa Certification and Custody and Court Operations Manual (CCOM) section 1206 Immigration for additional details.

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School Resource Officer Program

415.1 PURPOSE AND SCOPE

It is the policy of the Orange County Sheriff's Department to establish and maintain a School Resource Officer Program. The success of the program depends upon the respect and confidence deputies earn from the students, parents and staff. The integrity of each deputy, as well as the organization, is necessary for students, parents, teachers and school administrators to give the Department their trust. Without this trust, deputies cannot expect to form partnerships on campus. Fundamental to building trust on campus is the fair and equitable treatment of all individuals. Whether student, parent or staff, all persons must be treated with dignity and respect.

415.2 SCHOOL RESOURCE OFFICER'S MISSION STATEMENT

To enhance a safe atmosphere in our community's schools, foster a positive relationship with our community's youth, and develop strategies to resolve problems affecting our youth.

415.3 SCHOOL RESOURCE OFFICER'S VISION STATEMENT

The Orange County Sheriff's Department School Resource Officer Program will conform to a set of guidelines that describes a level of performance and service by all its members that supports both the school district's vision and the Department's vision in a manner that strives to leave all with the highest sense of satisfaction.

415.4 GOALS AND OBJECTIVES

The Orange County Sheriff's Department School Resource Officer Program provides law enforcement services and law-related education to the schools serviced by the Orange County Sheriff's Department. The team members also act as liaisons between the schools, the community and the Department, as well as various agencies such as Child Protective Services, Social Services-Children and Family Services, Probation Department, Health Care Agency and other intervention and counseling resources. Goals and objectives include:

- To help maintain safe school campuses, so that teachers can teach and students can learn.
- Provide students with a positive role model through the exhibition of Department values.
- Interact with students in a setting that builds self-esteem and trust and reinforces the police as role models.
- Interact with students, faculty, community, parents, and civic leaders to promote positive relations.
- Educate students about the law and importance of individual responsibility as well as team building and cooperation within our community.
- Serve as a resource for the students, teachers, and parents.
- Serve as a primary resource to students who are victims and suspects of unlawful or harmful activity in order to protect or deter them from further harm.

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- Collaborate with the faculty and administrative team to teach the importance of proper safety practices through various educational programs.
- Provide an active law enforcement figure on campus to address law and safety/public order issues. Take appropriate enforcement action when necessary.

415.5 AUTHORITY

The Orange County Sheriff's Department recognizes and respects the authority of the principal, and their designee, to be the primary leader and manager of the school campus. The SRO, however, has the authority and responsibility to ensure proper decisions are made in reference to crimes, crime scenes, and any incidents that pose a threat to public safety.

- During any law enforcement-related event on a school campus, the SRO will advise the principal or designee of the law enforcement decisions being made to resolve the incident, when feasible. During any law enforcement-related event, it may become necessary for the SRO to temporarily take charge of the incident and/or school campus to protect the integrity of the investigation and/or crime scene, and ensure the safety of the students and staff, until properly relieved.

The School Resource Officer Program will be commanded by the School Resource Officer Program Captain and supervised by the School Resource Officer Program Sergeant.

All Orange County Sheriff's Department SROs will be sworn peace officers. As such, the SROs possess the same authority and powers of arrest as any other state or local law enforcement official regardless of whether they are on or off school property.

- When performing the duties of a SRO in the school environment, the SRO shall have an understanding of the administrative responsibilities the school has in resolving misbehavior.
- The SRO will be familiar with the student handbook of their respective schools.
- They will support the concept that teachers have the right to teach and students have the right to learn in a safe and respectful environment.
- When dealing with misconduct and disruptive behavior, the SRO will be mindful of the fact that respect for others is an extension of one's own self-respect.
- Conduct with students should be of quality that reinforces positive self-image, self-esteem, and professionalism.

415.6 CHAIN OF COMMAND

The chain of command for the School Resource Officer Program will be:

- Field Supervisor (Responsible for day to day operations)
- Contract City or Area Administrative Sergeant
- School Resource Officer Program Sergeant
- Contract City Chief of Police Services or Area Captain
- School Resource Officer Program Captain - Southeast

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- Commander - Southeast

415.7 THE PROGRAM

As a role model, the SRO will always present their self in a professional manner. Through their appearance and actions, the SRO leads by example through their day-to-day contact with students, parents and staff members. SROs will treat everyone in a positive manner that is respectful, fair and consistent regardless of race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, or socio-economic status. The following outline is meant to be a guide that reflects the "philosophy" of the Orange County Sheriff's Department School Resource Officer Program. The program is based on the premise that the SRO serves the following basic functions:

The Department's SRO Program will adhere to the "Triad Concept" supported by the National Association of School Resource Officers (NASRO). The Triad Concept of SRO responsibility is: educator, informal counselor and law enforcer.

Law Enforcer: The SRO's primary role on campus is that of a law enforcement officer. They will enforce all applicable laws in a fair and consistent manner. Generally, SROs will not investigate or enforce school rule violations unless there is a violation of law, as well.

- The SRO will conduct investigations for crimes that occur on their designated school campus.
- The SRO, when available, may offer assistance in conducting investigations for other crimes off campus that may have a direct effect on a student or the school community.
- The SRO, when available, should be the "case deputy" for most crimes committed at their designated school. This means the SRO will then complete the investigation and all the necessary follow-up unless an investigation unit is required. This may include the collection of evidence and interviewing victims, witnesses and suspects.
- When necessary, the SRO may arrest, detain and or hold suspects in-custody as prescribed by law and Department policy.

Some serious crimes require specialized expertise or logistical support to investigate. Under these circumstances, an appropriate investigator will be assigned as the case investigator. The SRO will then assist the investigator, and function as the liaison between the victim, the school staff, and Department.

- The SRO can address parking and traffic concerns that affect the school and surrounding community, and should consult with school officials and city/county traffic engineers as needed.
- The SRO may conduct and/or coordinate traffic enforcement details to encourage compliance with State and local traffic laws.
- The SRO will coordinate with school staff to promote crime prevention programs and enhance the police/community relationship with the surrounding neighborhoods. This may be accomplished through foot and vehicle patrol of the school grounds and adjacent areas.

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- The SRO will work with the District to address truancy issues.

Teacher: As a guest teacher, the SRO can present a diverse curriculum in the area of Law-Related Education (LRE) to the students, parents and the staff. LRE includes classes in the areas of personal safety, wellness, and criminal and traffic law. Presentations developed by SROs will be approved in accordance with department policy and procedure.

Counselor: As an informal counselor, the SRO can act as an advisor, mentor and mediator to students, parents and staff. They may use their professional experience to counsel and educate people on law-related issues. When a higher level of expertise is required, the SRO should refer the person seeking aid or guidance to the appropriate agency or resource.

415.8 DUTIES AND RESPONSIBILITIES

- Conduct classroom instruction on prevention and education on appropriate subjects for students, faculty and staff, in accordance with the SRO and Department mission statements, utilizing approved lesson plans.
- Take appropriate action for any on-site situations requiring police attention.
- Act as a liaison and resource between the law enforcement community, other governmental agencies and the school.
- Maintain availability to all students in the schools via office phone, e-mail, or other electronic medium that may be accessed by the SRO Sergeant for quality control purposes. All School District Internet/Computer Policies will be adhered to at all times. In cases of conflict, the SRO will consider the device being used and apply the respective policy of the organization that owns that device. SROs will not directly engage with students via the SRO's personal cell phone, e-mail or social media accounts, and will always adhere to our Code of Professional Conduct and Responsibility for Peace Officers as stipulated in Policy 1001 of this manual.
- Interact with students to promote and reinforce the development of basic life skills and personal control and responsibility for one's actions.
- Conduct or assist the school with investigations involving the school or students. The main function of the SRO is to be on their assigned campus(es) during school hours. Follow-up investigations requiring the deputy to be off campus may be conducted; however, these should generally be conducted after school hours (Overtime requires supervisor approval).
- Only under exigent circumstances should SROs be absent from their designated campuses during school hours on follow-up investigations.
- The SRO may have input into intervention and preventive strategies and community resources available.
- The SRO should participate and be the point of contact for any departmental activities related to major school events.

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- Inform the school administration of current student criminal involvement and criminal trends that affect the safe environment of the school, as needed and allowed by law. Privacy and case integrity will be paramount.
- Perform preventive patrol around school campus for students traveling to and from school. Attention will be directed to observations pertinent to the safety and wellbeing of children.
- Interact with uniform patrol in order to share information and work together on matters of mutual concern.
- Attend special events, with the permission of the Shift Supervisor, as necessary to interact and prevent problems.
- Participate in various Department-sponsored and endorsed activities that foster a positive relationship between the students and the SRO.
- Maintain contact with the SRO Administrative Sergeant in order to facilitate administrative needs.
- Attend scheduled meetings established by the supervisors for information exchange and resolution of special problems.
- Transport students in patrol cars in accordance with the law and Department Policy.

415.9 TRAINING

School Resource Officers work in an educational environment with school administrators. School Resource Officers must build positive relationships with both students and staff to ensure a safe learning environment. It is recommended SROs complete the following training prior to being assigned as an SRO when feasible but no later than one year of assignment.

- Basic SRO
- Patrol Rifle/MACTAC
- Annual SRO Summer Summit (OCSD)
- Threat Assessment training
- Advanced officer training
- Attend annual professional development conferences

415.10 SCHOOL ENFORCEMENT

Truancy - In most instances, truancy will be handled at the school administrative level. The SRO may participate in student interventions, especially when potential delinquency is a factor.

Searches - The SRO must follow Departmental Policy, applicable law and respect the school's policy in conducting searches. The rules of criminal evidence apply in school the same as they apply under normal circumstances. The school administration cannot be used as an agent of law enforcement to search a student's locker or person. The school administrator has the authority to search prior to the SRO knowing a crime has been committed.

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Interviews and interrogations - SROs will adhere to Department Policy and applicable law on juvenile investigations when conducting interviews and interrogations.

Emergency/Non-Emergency Calls - The criteria set forth is designed as a guide. In most cases, the SRO will handle a call for service on their designated campus. However, when an arrest is necessary or imminent, a patrol deputy may be dispatched to the campus to handle the arrest and transportation of the juvenile to Juvenile Hall.

Immediate Police Response: Schools should call 9-1-1 and then call the SRO. Examples include:

- Immediate life-threatening emergency
- Large or serious fight in progress
- Unruly crowd
- Disruptive parent who will not leave or calm down
- Bomb threats
- Child abuse
- Crime in progress where the protection of evidence is essential, or the apprehension of the violator is possible
- Safety hazards (i.e. chlorine, natural gas leaks)

Police Services Not Immediately Required: Schools should call the SRO assigned to the school. If the SRO is not able to respond, the school should call dispatch for an on-duty patrol deputy. Examples include:

- Burglary (where the school is the victim and evidence may be present)
- Vehicle burglaries with the victim standing by
- Assaults (which are over and under control with little or no injury, or where students are not on campus, no suspects, no witnesses)

Where police services are required, but where time is not of the essence, the school should call the SRO assigned to the school and advise them of the situation. Examples include:

- Theft (no suspects, no witnesses)
- Threats or intimidation (no suspects, no witnesses)
- Criminal damage (no suspects, no witnesses)
- Any other incident of minor nature, status offense, City Code violation, etc.

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415.11 SRO WORK HOURS

SRO work hours may be varied according to individual school needs. SROs will work four days a week, ten hours per day, 0600 hours to 1630 hours, unless prior approval has been obtained from the Shift Supervisor or as directed by the city/area Captain.

Work schedules should remain flexible based upon the needs of the school on any given day/ event.

SROs are required to obtain prior approval from a Supervisor for any overtime. This can be accomplished by calling the SRO Administrative Sergeant.

Although not mandatory, SROs are encouraged to take vacation when school is not in session.

When sick leave/family sick leave is necessary, the SRO must also notify the Shift Supervisor per department policy. The SRO should also inform the Principal or the Principal's designee by telephone of their absence prior to the start of school. The SRO and Shift Supervisor will ensure notification is made to the school.

415.12 GUIDELINES AND PROCEDURES

Uniform Procedures and Dress Code - The SRO standard dress and appearance is set by Department Policy. Each deputy is responsible for the professional image of the Department by assuring their appearance is in accordance with these guidelines.

Radio Procedures - SROs shall check in and out of service on their police radio. SROs shall be required to check out with a location by police radio during school visits or other police business.

Cellular Phone Use - All SROs will be assigned and issued a Departmental cellular telephone.

- The Principal should be informed that the cell number is confidential and not to be released to any office staff, teachers, or parents without the SRO's permission.
- Each call received by the SRO should be answered as soon as possible during school/ work hours.
- The SRO's cellular telephone will only be used for work related purposes.

E-Mail - Each SRO will check their e-mail accounts daily per Department Policy.

Monthly Activity Log - Activity Logs will be due to the SRO Administrative Sergeant on the Monday following the last day of the month.

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Portable Audio/Video Recorders

424.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices to include the surreptitious use of audio/video recorders/monitors by Members of this Department while in the performance of their duties. Portable audio/video recording devices include equipment issued by the Orange County Sheriff's Department or contract partner such as digital recorders, cameras, body wires, key fob recorders, and cellular phones and applications with similar recording functions.

This policy does not apply to mobile audio/video recordings, including body worn cameras and in-car video systems (see Policy 447 Body Worn Camera & In-Car Video Systems).

424.2 POLICY

The Department or contract partner may provide Members with portable recorders, either audio or video or both, for use in the performance of their duties. Members working investigative details may be provided recorders/monitors for surreptitious use. All devices and/or applications shall require approval from the Sheriff or appropriate designee.

The use of recorders and/or monitors is intended to:

1. Accurately capture statements and interactions between Members of the Department and the public, including interviews with suspects, victims, and witnesses
2. Provide evidence for criminal prosecution and improve subsequent courtroom testimony
3. Assess allegations of Departmental wrongdoing
4. Provide evidence during civil litigation
5. Enhance officer safety and the safety of informants
6. Increase report writing proficiency

Use of personally owned portable audio/video recording devices or camera, including a personal cell phone, absent critical evidentiary issues, is prohibited. In a critical situation with an urgency to collect/document evidence which may dissipate or otherwise be destroyed, a Member may use a device other than what is Department-issued. The supervisor should be advised as soon as possible and the necessity thoroughly documented in a report.

424.3 MEMBER PRIVACY EXPECTATION

All recordings made by Members acting in their official capacity as Members of this Department are the property of the Department and should not be considered private, regardless of whether those recordings were made with Department-issued or personally owned devices. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

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Any device, regardless of whether it is Department-issued or personally owned, used for recording, documenting, or photographing in an official capacity may be subject to a discovery request, subpoena, or Public Records Act request.

424.4 MEMBER RESPONSIBILITIES

Members using a portable recording device should make sure it is in good working order. Any portable recording device should also produce universally accepted audio/video files and not be proprietary to the device.

When using a recorder, the Member should, when possible, verbally record his/her name, Member number, case number if applicable, and the current date and time at the beginning or the end of the period of use (i.e. interview, activity, etc.). This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording. Recordings and/or photographs are to be booked in accordance with Policy 802. Under extenuating circumstances, a supervisor may authorize a Member to maintain their recordings and/or photographs on personal devices until such time when the file(s) can be converted to a data storage device (i.e. flash drive, hard drive, cd/dvd rom) for evidence/booking purposes.

Members shall document the existence of a recording (audio or visual) in any report, daily log, or other official record of the contact, including any instance where the recorder malfunctioned or the Member deactivated the recording. Members should include the reason for deactivation. After recordings and/or photographs of evidentiary or investigative value are transferred out of the recording device and onto a "data storage device", the Member shall document the removal of the media from the original device.

424.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the Member believes it would be appropriate or valuable to record an incident.

The following situations are examples of activities where a portable recording may be useful:

1. All enforcement and investigative contacts including stops and field interview (FI) situations
2. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
3. Self-initiated activity in which a Member would normally notify dispatch
4. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

The following situations are examples of activities where the surreptitious use of a recording/ monitoring device may be useful:

1. Criminal investigations utilizing undercover investigators and/or testifying informants

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2. VICE operations such as illicit massage parlor investigations, prostitution stings and "John" Operations
3. Murder for hire investigations
4. Any other investigation where covert recording/monitoring would increase officer safety or assist in successful prosecution

At no time is a Member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as it is safe to do so.

424.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

1. Penal Code 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential. Penal Code 633 provides a law enforcement exception to the normal prohibition against surreptitious recording of certain conversations. This includes the Sheriff, Undersheriff, Deputy Sheriffs, or any other person acting pursuant to the direction of one of these law enforcement officers. However, this exception does not ordinarily cover non-sworn personnel, unless the Member is acting at the direction of a Deputy Sheriff during the course of a criminal investigation, with supervisor approval. Accordingly:
   (a) **Non-sworn personnel** wearing a conspicuously mounted recording device, or using a recording device that is reasonably recognizable as a recording device, may record any member of the public without notice in a public setting where there is no objectively reasonable expectation of privacy, such as in the public area of a business or outside of a residence front door (i.e. while taking a traffic collision report).
   (b) If **non-sworn personnel**have a citizen contact in a private area of a business or residence, the Member **shall** notify the other party that the conversation is about to be recorded, unless the Member is acting at the direction of a Deputy Sheriff to surreptitiously record the conversation, with supervisor approval. If the Member was acting at the direction of a Deputy Sheriff, this shall be documented in a Department Report (DR) or daily log.
2. **Non-sworn personnel** shall not record a person in a private or confidential setting if the person objects after notification and the objection shall be documented in their DR or daily log.
3. No Member of the Department may surreptitiously record/monitor a conversation of any other Member of this Department without the expressed knowledge and consent of all other parties. This prohibition does not apply to any criminal investigation involving said Departmental Member.

424.5.2 CESSATION OF RECORDING

Once activated, the portable recorder/monitor should remain on continuously until the Member's direct participation in the incident is complete or the situation no longer fits the criteria for activation.

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Members shall document any instance where the recorder malfunctioned or the Member deactivated the recording. Members should include the reason for the deactivation.

424.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

424.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using Department-issued or personally owned portable recorders and recording media for personal use. Any Member who uses a Department-issued or personally owned recorder for Department-related activities shall comply with the provisions of this policy, including retention and release requirements. Any Member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

424.7 RETENTION OF RECORDINGS

Any time a Department Member submits any portion of a contact that he/she reasonably believes constitutes evidence in a criminal case, the Member shall document the date and time, location and associated case number (if known).

The entire recording of the contact shall be converted to disc format, submitted into evidence in accordance with Policy 802 and the existence of the disc shall be documented in the related case report number. If the recordings are completed within one shift in their entirety, this procedure shall be done at the end of each shift. In investigations where the conversation and recordings have a potential to span over multiple days, this procedure shall be done at the conclusion of the conversation in its entirety for continuity purposes with supervisor approval.

Once the evidentiary material has been transferred from the device used by the Member and the evidence has been booked into the Sheriff's Property/Evidence Bureau, the device's memory shall be cleared of the evidentiary material.

Any time a Member reasonably believes a recorded contact may be beneficial in a non-criminal matter (i.e. a hostile contact), the Member should request a DR number for an information report, convert the file to disc format, and submit it into evidence under the associated case report.

424.7.1 RETENTION REQUIREMENTS

All recordings submitted into evidence shall be retained for a minimum of two years (per approved Board of Supervisors Retention and Disposition Schedule) unless the recordings are evidence in any claim, civil litigation, or criminal case.

If a notice of a "litigation hold" is issued by Risk Management, County Counsel, or otherwise, any recording related to a claim or lawsuit and/or subject to litigation hold shall be retained and/or copy provided at the direction of Risk Management.

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424.8 REVIEW OF RECORDINGS

When preparing written reports, Members may review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report use the recording as a substitute for their own perceptions and observations. When writing a report, Members shall indicate, in their report, that a recording of the incident exists and that the recording was reviewed prior to the report being written.

Review of recordings by a supervisor without a specific reason to do so is prohibited. Specific reasons to review recordings may include but are not limited to commendations, training, the investigation of complaints, reasonable concern for unprofessional conduct, quality assurance, and the review of critical incidents.

Recorded files may also be reviewed:

1. Upon approval by a supervisor, by any Member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
2. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
3. By media personnel with permission of the Sheriff or the Sheriff's authorized designee.
4. In compliance with a public records act request, if permitted, and in accordance with the Records Maintenance and Release Policy.

424.9 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are Department records and may only be released as provided by the California Public Records Act or pursuant to a court order, District Attorney's discovery request or proper subpoena, or for other authorized legitimate Department business purposes.

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Public Safety Video Security Systems

430.1 PURPOSE AND SCOPE

This policy provides guidance for the placement, operation, and monitoring of the Department's public safety video security systems, as well as the storage, retention, and authorized dissemination of captured images and video. The Department's public safety video security program centralizes a large quantity of lawfully obtained video footage to aid personnel in making tactical and strategic decisions and is intended to:

- Deter criminal activity
- Enhance public safety and security in public areas
- Assist in criminal investigations and prosecutions
- Support emergency response efforts during natural or man-made disasters
- Optimize the allocation and deployment of personnel

This policy applies to all overt, marked public safety video security systems operated by the Department, as well as cameras owned and operated by other public agencies and private businesses or entities that have entered into a video sharing agreement with the Department. It does not apply to covert surveillance systems, body worn cameras, mobile audio and video systems, or other image capturing devices used by the Department.

430.2 POLICY

The Department operates and/or has access to public safety video security systems to support its mission of protecting life and property. Public safety video security system activities will comply with applicable federal, state, and local laws and will be conducted legally and ethically, while recognizing and protecting constitutional standards of privacy and civil liberties. The Department is committed to protecting individual constitutional rights, and the privacy protections and audit safeguards built into this policy mitigate the risk of improper or biased law enforcement.

Cameras will be deployed in public areas where no reasonable expectation of privacy exists. This policy supports proper use, placement, and oversight to achieve public safety objectives while minimizing unintended consequences. The Department may also access video feeds from public agencies and private entities that have entered into formal agreements to share public safety video security system data for public safety purposes. Such access is subject to the terms outlined in the applicable agreements and compliance with this policy. Department personnel shall only access video monitoring and recordings generated by public safety video security systems for official law enforcement purposes. Arbitrary or discriminatory tracking of individuals is expressly prohibited.

430.3 OPERATIONAL GUIDELINES

430.3.1 PLACEMENT AND MONITORING

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Approval: The placement of all cameras must be approved by the Sheriff or an authorized designee. County Counsel should be consulted as needed.

Environmental Considerations: Camera placement will consider lighting, obstructions (e.g. vegetation or buildings), and other environmental factors to support effective use.

Scope of Monitoring: Monitoring will be limited to public areas and activities where no reasonable expectation of privacy exists, such as streets, parks, and public facilities. Images should be transmitted to monitors installed in the department commander's office and the Real Time Operations Center. When activity requiring further investigation is reported or detected at any camera location, the relevant information should be promptly relayed to responding Department personnel. The Department Commander or trained personnel in the Real Time Operations Center are authorized to adjust the cameras as necessary to obtain a more effective view of a specific area for any legitimate public safety purpose.

The Sheriff or designee may authorize video feeds from the public safety video security system to be forwarded to designated locations for monitoring by individuals other than Department personnel, such as allied government agencies, road or traffic crews, or fire and emergency operations personnel.

Markings: Public areas monitored by the public safety video security system will include visible signage indicating the area is under active camera monitoring.

430.3.2 INTEGRATION WITH TECHNOLOGY

Integration with video analytics will require additional regulations and comply with state and federal laws, and approval from County Counsel and the Sheriff, the Sheriff's designee, or a member of Executive Command. Direct integration of the public safety video security system with facial recognition or biometric identification technology is prohibited by this policy.

430.3.3 VIDEO MONITORING

The public safety video security system may be live-monitored on a case-by-case basis to support public safety objectives, including critical incident responses.

Unauthorized monitoring, recording, or dissemination of video data is strictly prohibited.

430.4 PRIVACY AND CIVIL LIBERTIES PROTECTIONS

Prohibited Activities:

- The public safety video security system 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
- The public safety video security system shall not be used to harass, intimidate, or discriminate against any individual or group

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- Members are prohibited from accessing or requesting live feeds from the public safety video security system during First Amendment activities for reasons outside of redeployment needs due to crowd sizes or other issues creating public safety hazards
- The public safety video security system will not monitor areas where there is a reasonable expectation of privacy, such as residences, private offices, or restrooms

Minimization: Camera use will be limited to wide-area monitoring. Arbitrary or discriminatory tracking of individuals is prohibited unless directly related to a criminal investigation or public safety concern.

Audio Recording: The public safety video security system will not record audio to comply with applicable privacy laws.

430.5 DATA STORAGE AND RETENTION

Retention Period: Video recordings made from Department-owned and operated public safety video security systems will be held to the same standards outlined in the County records retention schedule. Recordings made by systems owned by partner agencies will be retained at the discretion of those partners pursuant to their own policies.

Storage: All video data will be stored on secure servers with restricted access to authorized personnel.

Evidence: Video data identified as evidence will be copied and stored in accordance with Policy 802 – Property and Evidence.

430.6 ACCESS AND AUTHORIZATION

Access Control: Access to recorded video is restricted to authorized personnel who are authenticated by username and password for legitimate public safety purposes. Access requests must be documented and approved by the Real Time Operations Center Captain. Access shall be removed when the technology is no longer necessary for personnel to fulfill their duties (e.g. when personnel are transferred to a command that does not use the technology).

Chain of Custody: A chain of custody will be maintained for all instances of video access or dissemination. Documentation shall include:

- When footage was requested, approved, or denied
- Date and time of access
- Video accessed
- Duration of access, if live monitoring
- Recipient
- Department personnel involved

The chain of custody will be documented in the report written by the member of the Department who requested the video.

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External Sharing:

- Video footage may be shared with external agencies that can demonstrate a need to know (e.g. other law enforcement or emergency services) only when approved by the Sheriff or a designee, except during emergency operations pursuant to Section 430.8
- Public release of footage will follow applicable public records laws and will exclude footage that compromises ongoing investigations or violates privacy laws. All public requests for video shall be made and processed through the Department's Records Division
- Video footage that is the subject of a subpoena or court order shall be processed through the Department's Records Division
- Video footage relevant to criminal prosecutions shall be turned over to the District Attorney, who will provide it to defendants in accordance with applicable discovery laws. Discovery requests shall be processed through the Department's Records Division

Personnel must confirm the identity and affiliation of individuals to whom footage is being released and/or who are requesting footage, and determine that the release of information is lawful prior to disclosure.

430.7 TRAINING AND ACCOUNTABILITY

Training: All personnel authorized to operate or access the public safety video security system will receive training on proper use, applicable laws, and privacy considerations. All Department members authorized to operate or access the public safety video security system shall receive appropriate training from the Real Time Operations Center on the Fusus platform. Training should include guidance on system operation and review of relevant policies and procedures, including this policy. Training should also address state and federal laws related to the use of video security equipment.

Audits: The Real Time Operations Center Captain or designee will conduct audits of the public safety video security system annually to verify compliance with this policy, including a review of system access logs and camera usage through the Fusus platform. The Captain will finalize the audit to confirm compliance and forward it to the Division Commander for retention.

Violations: Misuse of the public safety video security system or violations of this policy may result in disciplinary action, including termination and potential criminal prosecution.

430.8 EMERGENCY OPERATIONS

During active emergencies, relevant feeds from the public safety video security system may be shared with allied government agencies, emergency response teams, or other designated personnel to coordinate response efforts. Granting access to these feeds should be approved by the Sheriff or a designee.

Such access will be limited to the duration of the emergency and documented for audit purposes.

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430.9 POLICY REVIEW

This policy will be reviewed annually by the Real Time Operations Center to ensure continued relevance, compliance with legal standards, and alignment with community expectations.

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Body Worn Camera & In-Car Video Systems

447.1 PURPOSE AND SCOPE

The Orange County Sheriff's Department recognizes that audio and video recording of contacts between Department Members and the public can provide an objective record of these events and a record of enforcement and investigative contacts. Also, a recording of an event or contact improves the Department's ability to evaluate and improve Department practices, tactics, strategy, officer training, safety practices, and community policing objectives.

The Department provides Body Worn Cameras (BWC) to its Members and outfits patrol vehicles with an integrated In-Car Video (ICV) system. The primary purpose and objective of the BWC and ICV Program is to collect evidence for use in criminal investigations, identify and apprehend offenders, and obtain, collect, and preserve evidence for use in criminal prosecutions.

In all circumstances where a Member is issued a BWC and assigned a vehicle with an ICV, the systems shall be paired and used together. This policy applies to BWC and ICV as applicable.

In addition, to the primary purpose mentioned above, the use of the BWC/ICV is intended to:

1. Accurately capture statements and interactions between Department Members and the public. This includes interviews with suspects, victims, and witnesses.
2. Promote accountability and enhance public trust.
3. Assist in resolving public complaints, as well as supporting administrative investigations.
4. Enhance officer safety by providing a record for possible future training needs and continuous improvement.
5. Enhance the Member's recollection for the accuracy of reports and court testimony.
6. Deter criminal activity and uncooperative behavior during police-public interactions.

BWC/ICV systems provide a limited view of an incident which may, in its totality, not give a complete view into an incident. While recordings obtained by the BWC/ICV system provide an objective record of events, it is understood those recordings do not necessarily reflect the view, experience or state of mind of the Member in each incident. Recordings have limitations and may depict events differently than the event is perceived or recalled by the involved Member. Also, the BWC/ICV system may capture information that may not have been heard and/or observed by the Member.

BWC/ICV recordings shall be considered alongside all other available evidence (e.g., witness statements, personnel interviews, forensic analysis, and documentary evidence) when evaluating the appropriateness of a Member's actions. Unless, the BWC/ICV recordings is the only evidence, it shall not be used as the sole source when vetting an incident for training, corrective measures, or policy violations.

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The Department shall not install, activate, or use any biometric surveillance system in connection with the use of or data collected by BWC/ICV. Biometric surveillance systems include any computer software or application that performs facial recognition or other biometric surveillance.

447.2 GENERAL GUIDELINES

447.2.1 TRAINING

All Members who are authorized to use BWC/ICV equipment must complete mandatory training provided by the Department to familiarize themselves with the system before the Member deploys the equipment.

447.2.2 BWC PLACEMENT

BWC equipment generally consists of a body-mounted camera with a built-in microphone and separate viewing device. The BWC camera is to be worn by uniformed personnel, utilizing an approved mount, in a forward-facing position; and above the midline torso to maximize the recording field of view. Other acceptable mounting positions include forward facing on a helmet if equipped with the proper BWC and mount. Non-uniformed personnel issued a BWC, may wear the camera on the belt or above, in a forward-facing position as an alternative to an audio-recording device for interviews or for use during deployment in the field. When recording interviews, Members may place the BWC in a position that would better capture the interview, (e.g., a table-top).

447.2.3 NON-UNIFORMED PERSONNEL BWC

Managers or Members working administrative, non-uniformed or plain-clothes assignments issued a BWC, may wear the camera on the belt or above, in a forward-facing position as an alternative to an audio-recording device for interviews or for use during deployment in the field, unless they are wearing body armor or an exterior tactical vest, in which case the camera shall be mounted the same as uniformed personnel. All non-uniformed personnel who are engaging in pre-planned enforcement activities such as serving a search or arrest warrant, or conducting/participating in parole/probation searches, shall utilize a BWC, unless the use of the BWC unreasonably compromises the identity of undercover Members, jeopardizes tactics, or the Member is assigned to an outside Multi-Agency Task Force. Members not wearing a BWC during a search/arrest warrants and parole/probation searches must have prior approval from a manager at the rank of Lieutenant or higher.

447.2.4 INSPECTION AND TESTING OF EQUIPMENT

Prior to going in service, each Member shall be responsible for ensuring they are equipped with a Department issued BWC and their vehicle (if applicable) is equipped with an ICV system. The Member shall test the operability of both the BWC and the ICV by visually inspecting its condition, powering it on, and ensuring all prior recordings are downloaded. In the event, a BWC has not fully downloaded the prior recordings, the Member will request a different BWC for the shift.

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447.2.5 DAMAGED, MALFUNCTIONING, OR INOPERABLE EQUIPMENT

If the BWC or ICV equipment is damaged, malfunctioning, or is inoperable prior to going into service, the Member shall verbally notify their supervisor and submit a service ticket. When submitting the service ticket, the member shall include information regarding any pending recordings for upload and obtain a properly functioning replacement BWC/ICV.

If the BWC/ICV equipment becomes damaged, malfunctions, or inoperable while deployed in the field, the Member shall notify their immediate supervisor as soon as practicable. The supervisor shall determine whether or not to continue utilizing the Member in the field or temporarily remove them so the Member can resolve the issue. The Member shall document the circumstances of this action in the CAD and in the appropriate Incident or Crime Report, if applicable.

447.2.6 REQUIRED ACTIVATION OF THE BWC/ICV

This policy is not intended to include every possible situation where the BWC/ICV may be used, as there are many situations where its use is appropriate. A Member may activate the system any time the Member believes it would be appropriate and valuable to document an investigation, incident, or contact.

In general, BWC/ICV activation shall begin prior to arriving at a call or initiating enforcement action and shall terminate once the Member has cleared their self from the call or the contact and/or the incident has concluded.

Consistent with this policy, Members may lawfully record in any location where the Member has the legal right to be present. Members will not turn off the BWC/ICV if a citizen requests it, unless there is an exception (see section 447.4 for exceptions). However, when practical to do so, Members may inform individuals they are recording, particularly when the advisement may gain compliance, cooperation, or assist in an investigation.

EXAMPLES OF WHEN MEMBERS ISSUED BWC/ICV ARE REQUIRED TO ACTIVATE BWC/ICV:

1. All calls for service. This shall include all Members who arrive to a call for service whether or not they were assigned to the call.
2. Detentions and arrests, (e.g.,vehicle stops, bicycle stops, pedestrian stops, etc.)
3. DUI observations and field balance and coordination tests.
4. Officer-initiated consensual encounters.
5. Searches, subject to the exemptions in Section 447.2.10.
6. Witness and victim interviews (except as described in Section 447.4(2)).
7. Arrestee/Prisoner transportation.
8. Crowd management and control, for further refer to Section 447.2.9.
9. Any contact with members of the public that may become adversarial or confrontational.

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447.2.7 PRE-EVENT BUFFER RECORDING

When the BWC/ICV is activated, the system will automatically retain 60 seconds of video recording prior to activation. This will allow traffic violations, suspicious activity and other unusual happenings to be captured. The BWC/ICV does not record any audio during this 60 second period.

447.2.8 AUTOMATED RECORDING ACTIVATIONS

The BWC system employs Bluetooth technology that allows signals to be sent from specific department devices to the BWC that results in automatic BWC activation. This capability is designed to promote officer safety and enable the member to maintain situational awareness. Devices capable of interacting with the BWC include the patrol unit lights and siren control system, and the ICV patrol unit signal activation button.

Activation of the BWC occurs automatically under the following circumstances:

1. When a Member activates the emergency lights and siren of the patrol unit (Code 3 response)
2. When a Member depresses the patrol unit activation button
3. When a Member is within Bluetooth range of approximately 100 feet of an activated Axon Signal

447.2.9 CROWD CONTROL SCENARIOS

When there is a reason to believe a planned event has the potential for unlawful activity, Incident Commanders should make the determination whether visual recording with BWCs is appropriate and should indicate it in the Event Action Plan.

During demonstrations, Members should operate cameras in buffering/stand-by mode. If Members witness crimes occurring among the demonstrators, and/or believe an arrest is likely, they should begin recording in Event mode or if they have been directed to do so by a supervisor or the Incident Commander.

447.2.10 EXPLOSIVE DEVICES

Many portable recorders, including BWC/ICV and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

447.3 MUTING AUDIO

When privacy or operational sensitivity requires limiting audio recording, members shall utilize the mute function whenever feasible. The Department maintains a strong preference for muting over full deactivation. Deactivation of the BWC shall only occur under approved exceptions as outlined in this policy.

Members shall mute the BWC audio recording for the purpose of discussing employee performance, investigative strategies, techniques or priorities, tactics, or other information not related to the incident only when they are not conducting police action in the presence of a member of the public, when feasible.

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The mute function shall be disengaged immediately when the reason for muting no longer exists, and in all cases before or as soon as practicable when:

- re-engaging with a member of the public;
- engaging in enforcement or investigative activity;
- interacting with an arrestee, detainee, witness, or victim; or
- any circumstance arises that is reasonably likely to result in evidentiary, investigative, or administrative value.

447.4 EXCEPTIONS TO REQUIRED ACTIVATION OF THE BWC/ICV

Circumstances when a BWC/ICV may not be used include, but are not limited to:

1. If a Member is unable to activate the BWC/ICV prior to initiating enforcement or investigative activities due to officer safety, public safety, or any other critical circumstance. Under these circumstances, a Member shall activate their BWC/ICV as soon as it is safe and practicable to do so pursuant to 447.8.
2. In the Member's judgment, a recording would interfere with their ability to conduct an investigation or may be inappropriate, due to the victim or witness's sensitive circumstances e.g., nudity, a victim of sexual assault. Members must also consider Policy 317 (Victim Confidentiality) with the use of a BWC/ICV.
3. In the Member's judgment, recording would risk the safety of a confidential informant, citizen informant, undercover officer, or investigative technique (as authorized by California Evidence Code sections 1040, 1041, and 1042).
4. For officer safety, when Members are handling, reviewing, or discussing an operational plan, conducting undercover surveillance, discussing, developing, planning or engaging in police/investigative tactics or strategies during a pending investigation, or pre and post incident de-briefs.
5. While the Member is on break or otherwise engaged in personal activities or in a location where there is a reasonable expectation of privacy, e.g., restrooms, locker rooms, or during briefings, meetings, or roll calls.
6. In patient-care areas of a medical facility, hospital, sexual assault treatment center, or other healthcare facility where persons are receiving treatment, except when escorting an arrestee, anticipating an enforcement action related to a crime in progress, a criminal investigation, or an encounter with an uncooperative person in these areas.
7. Inside public restrooms, dressing rooms, or locker rooms, unless responding to an emergency, crime in progress, or other circumstance which takes precedence over elevated privacy concerns.
8. When a Member reasonably believes there is no legitimate law enforcement purpose.
9. While a Member is working as part of a task force with policies and procedures for the use or non-use of BWCs, the Member shall adhere to task force's Memorandum of Understanding (MOU) and applicable task force policies and procedures on BWC usage. To the extent the task force does not have BWC usage policies or procedures,

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then the Member shall adhere to this policy. A violation of the task force's BWC policies or procedures is considered a violation of OCSD's policies on BWC use.

(a) If applicable, a copy of the task force's current BWC policies and procedures will be maintained on the OCSD Intranet in the respective Command's MOU section. The Division Commander responsible for the task force, or their designee, shall ensure the current version of the task force's BWC policies and procedures are uploaded to the OCSD Intranet.

(b) Members must adhere to OCSD's BWC policy when working any other assignment outside the scope of the task force (e.g., patrol, MFF, OCSD investigations).

Members should always remain mindful to protect personal, confidential, or sensitive information from being recorded during BWC usage.

447.5 ACTIVATION OF LIVESTREAMING

The purpose of this technology is to promote situational awareness and officer safety. Remote live viewing, also known as livestreaming, is not intended to replace proper response by Members.

Livestreaming of BWC/ICV can only occur when the camera is actively recording. Livestreaming may only be accessed by an authorized user when there is a specific department business need that meets the activation criteria. Members should be informed via radio prior to remote viewing, but if that pre-notification is not practical or compromises officer safety, the member whose BWC/ICV was accessed must be notified as soon as practical following the event. When the BWC/ICV livestreaming feature is activated, the device will notify the member via a unique tone, and the LED light will turn purple. Additionally, the BWC will emit haptic feedback (vibration). The following shall be documented in the CAD: 1. Duration; 2. Specific reason for the activation (in addition to and beyond situational awareness); and 3. In instances when Members are not informed via radio prior to remote viewing, the reason that pre-notification did not occur. Livestreaming is restricted to the authorized users outlined below.

BWC/ICV systems provide a limited view of an incident which may, in its totality, not give a complete view into an incident. While recordings and livestreaming obtained by the BWC/ICV system provide an objective record of events, it is understood those recordings and livestreaming do not necessarily reflect the view, experience or state of mind of the Member in a given incident. Recordings and livestreaming does have limitations and may depict events differently than the event is perceived or recalled by the involved Member. Also, the BWC/ICV system may capture information that may not have been heard and/or observed by the Member.

447.5.1 AUTHORIZED LIVESTREAMING USERS

1. Real Time Operations Center personnel
2. Sworn members at the rank of Sergeant and higher
3. The on-scene incident commander (regardless of rank)
4. ECB personnel at the rank of Dispatch Supervisor and higher

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5. Supervising Deputy Coroner personnel (must receive telephonic consent from the Member before livestreaming).

447.5.2 LIVESTREAMING ACTIVATION CRITERIA

Authorized users may activate the livestreaming feature when any of the following criteria are met:

1. Exigent circumstances when there is a direct threat to officer and/or public safety.
2. To enhance tactical operations and situational awareness during a significant incident, observation activity or call for service. The Member whose BWC/ICV was accessed must be notified prior to activation or after activation as soon as practical; and a specific reason for activation must be entered into the CAD.
3. Any situation in which a Member has not responded to the radio.
4. Members may request RTOC assistance to an incident, activity or call for service which will include livestreaming activation. Members may specifically request activation of BWC/ICV to the RTOC or authorized livestreaming users.
5. For training of authorized users of livestreaming, during tactical training scenarios (e.g., Laser Village, Active Shooter Training, IMT and RTOC personnel), and technical troubleshooting (requires approval from the rank of Lieutenant or higher.)

447.5.3 GPS FUNCTIONALITY

Each BWC/ICV includes GPS capabilities, which allow the Member's location to be visible at all times. The following personnel are authorized to utilize the real time GPS function:

1. Real Time Operations Center personnel
2. Supervisors and Managers
3. Dispatch personnel

447.6 CESSATION OF RECORDING

Once the BWC/ICV is activated, it shall remain on and shall not be turned off until the Member has cleared from the call or the contact or the incident has concluded. In any instance in which cessation of the recording prior to the conclusion of the contact or incident occurs, the reason for the termination of the recording shall be documented. Prior to any deactivation of the BWC/ICV, Members shall verbally note the date, time, and reason for the deactivation on the recording itself.

In the event of an extended incident, such as traffic control or an accident scene, Members may deactivate the BWC/ICV to conserve recording time. In such cases, the Member shall orally document the reason on the BWC/ICV prior to deactivation.

After a critical incident, the Incident Commander shall determine when the incident has concluded. After conferring with the Department Commander, the Incident Commander shall ensure BWC/ICV of involved personnel are deactivated.

Some incidents may produce extenuating circumstances, where parts of a critical incident have concluded, and other parts would be considered still active. During these incidents, on-scene Supervisors are authorized to advise specific Members to deactivate their BWC/ICV, depending on the Member's involvement in the incident. In such cases, the on-scene Supervisor shall orally document the reason on the specific Member's BWC/ICV prior to deactivation.

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Members shall cease recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor, or licensed physician, unless there is explicit consent from all parties (Penal Code sections 636 and 851.5(b)(1)).

447.7 SLEEP MODE FUNCTION

Members may use the "Sleep Mode" function to temporarily disable recording and buffering. Use of this function shall be limited to the exceptions listed in 2 through 6 of 447.4 Exceptions to Required Activation of the BWC/ICV.

Sleep Mode shall not be routinely used during the course of normal duties because it limits the ability for the pre-incident buffer, and the GPS functionality that remain a critical officer safety data point.

447.8 INABILITY TO ACTIVATE THE BWC/ICV PRIOR TO INITIATING ENFORCEMENT OR INVESTIGATIVE ACTIVITY

If a Member is unable to activate the BWC/ICV prior to initiating enforcement or investigative activities due to officer safety, public safety, or any other critical circumstance, the Member shall activate the device as soon as it is safe and practicable to do so.

The Member shall verbally notify their supervisor of the delayed BWC/ICV activation. The supervisor shall document the notification and the reason in the Sergeant's Daily Log. The reasons should be thoroughly described.

Members shall also document in a written report (if applicable) or CAD the reason(s) why the Member failed to or was unable to activate the BWC/ICV, if a malfunction occurred, if the recording was terminated, or interrupted for any reason. Those reasons should be thoroughly narrated in the details of the documentation.

A Member who believed they activated the BWC/ICV, when in fact the BWC/ICV was not activated, shall not be subject to discipline if the belief was objectively reasonable.

If a written report results from an incident, the Member shall document in the report the existence of their BWC recording using the "Body Worn Camera Used" drop-down box specified in the reporting system template. Members shall also document in their report whether or not they reviewed their BWC/ICV recording prior to writing their report. This shall be documented in the CAD if an Incident or Crime Report was not taken.

BWC/ICV recordings are not a replacement for written reports, or CAD updates.

447.9 PROHIBITED USE OF BWC/ICV RECORDINGS

Members shall not use BWC/ICV for personal use. Members shall not duplicate, copy, edit, alter, erase, or otherwise modify in any manner BWC/ICV recordings except as authorized by law and Department policy, for further refer to policy 802-Property and Evidence. The use of personally owned BWC/ICV recording devices, absent critical evidentiary issues, is prohibited.

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447.10 SURREPTITIOUS USE OF THE BWC/ICV

1. Penal Code 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential. Penal Code 633 provides a law enforcement exception to the normal prohibition against surreptitious recording of certain conversations. This includes the Sheriff, Undersheriff, Deputy Sheriffs, or any other person acting pursuant to the direction of one of these law enforcement officers. However, this exception does not ordinarily cover non-sworn personnel, unless the Member is acting at the direction of a Deputy Sheriff during a criminal investigation, with supervisor approval. Accordingly:
    (a) Non-sworn personnel wearing a conspicuously mounted recording device, or using a recording device that is reasonably recognizable as a recording device, may record any member of the public without notice in a public setting where there is no objectively reasonable expectation of privacy, such as in the public area of a business or outside of a residence front door (i.e., while taking a traffic collision report).
    (b) If non-sworn personnel have a citizen contact in a private area of a business or residence, the Member shall notify the other party that the conversation is about to be recorded, unless the Member is acting at the direction of a Deputy Sheriff to surreptitiously record the conversation, with supervisor approval. If the Member was acting at the direction of a Deputy Sheriff, this shall be documented in a Department Report (DR).
2. Non-sworn personnel shall not record a person in a private or confidential setting if the person objects after notification and the objection shall be documented in their DR.
3. No Member of the Department may surreptitiously record/monitor a conversation of any other Member of this Department without the expressed knowledge and consent of all other parties. This prohibition does not apply to any criminal investigation involving a Department Member.

447.11 ACCIDENTAL ACTIVATION OF THE BWC/ICV

An immediate supervisor should be notified as soon as possible following incidents of erroneous, accidental or inadvertent recordings of personal events and/or conversations with no evidentiary/ business purpose. These events shall be categorized as accidental by the Member. If the Member requests the accidental recording be redacted or deleted, the Assistant Sheriff of the Professional Services Command shall review the recording and make a determination as to whether the recording was accidental. The Member and the Sheriff's designated Custodian of Record shall be notified of the possible outcomes of that request including:

1. If the Assistant Sheriff determines the recording was accidental, with no evidentiary/ business purpose, the recording shall be redacted within 30 business days from the date of the Assistant Sheriff's determination. The redacted recording will be saved as a copy; the original recording will be unaltered and retained. After a minimum of 60 days, both the original recording and the redacted copy may be deleted (CPC 832.18) unless deletion of the recording would violate the law. If deletion would not violate the law, both the redacted and original recording shall be deleted by the department

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within 90 days. The Member shall be notified of the Assistant Sheriff's determination. A recording determined to be accidental by the Assistant Sheriff, with no evidentiary/ business purpose, shall not be shared with anyone absent a court order.

2. If the Assistant Sheriff determines the recording was accidental, but a portion is of evidentiary/business purpose, the portion of the recording containing the personal event or conversation shall be redacted within 30 days from the date of the Assistant Sheriff's determination, unless redaction of the recording would violate the law. The redacted recording will be saved as a copy; the original recording will be unaltered and retained in accord with record retention requirements. The Member shall be notified of the Assistant Sheriff's determination. The portion of the recording determined to be accidental by the Assistant Sheriff, with no evidentiary/business purpose, shall not be shared with anyone absent a court order.

If the Assistant Sheriff determines the recording was not accidental, and/or shall not be deleted or redacted, the Member may appeal that determination to the Undersheriff.

447.12 NO MEMBER EXPECTATION OF PRIVACY

All BWC/ICV recordings are the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

447.13 CONFIDENTIAL NATURE OF BWC/ICV RECORDINGS

The BWC/ICV recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, and other proceedings protected by confidentiality and Department Policy 215 (Confidential Information). Members shall comply with all applicable laws and policies regarding confidential information. Unauthorized release of BWC/ICV recordings may compromise ongoing criminal and administrative investigations or violate privacy rights of those recorded.

447.14 VIEWING OF BWC/ICV RECORDINGS

It is the policy of the Department to extend to its Members the ability to review all available Department mediafor an official purpose, including but not limited to writing reports, preparing for courtroom testimony and prior to making voluntary statements, for further refer to policy 303-Department Media. The viewing of BWC/ICV recordings shall be done only by means of a Department owned and/or issued device. The viewing of BWC/ICV recordings by means of personally owned PCDs (Personal Communication Devices), to include all mobile phones, and other such wireless two-way communication and/or portable internet access devices, is prohibited.

The reviewing of BWC/ICV by Executive Command, Managers, and Supervisors for a specific business purpose such as commendations, training, an official investigation (such as a personnel complaint, administrative investigation or criminal investigation), a clear and reasonable concern of unprofessional conduct, and the review of critical incidents, is permitted. The exploratory searches or viewing without a specific reason of BWC/ICV recordings, is prohibited. For further, refer to policy 303-Department Media.

A Member may review their own BWC/ICV recording with their attorney, or designated collective bargaining unit representative, provided such disclosure is solely for the purpose of representation

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and complies with all applicable laws, confidentiality requirements, Department policy, and is subject to the review limitations in Policy 303.

Field Training Officers (FTOs) and their assigned Trainees are authorized to jointly review BWC footage for training and performance evaluation purposes, in accordance with the expectations and procedures outlined in the Field Training Program Manual, as long as their review does not conflict with other policy provisions.

447.15 DOCUMENTATION AND STORAGE

447.15.1 LABELING RECORDINGS

Following any BWC and/or ICV recording or official recorded event (see section 447.4.6), Members shall assign the recording the appropriate I.D., and category. All recordings, including accidental recordings, equipment check recordings and recordings with no identifying number (e.g. DR, incident, or cite), require minimally to be categorized and the term "NO ID" shall be used in the ID field.

To comply with Discovery, Retention and Evidence procedures, all BWC and ICV recordings shall be labeled within 5 days from the creation of a recording. Supervisors may grant approval for an extension when the Member is prevented from working for an extended period of time due to approved or other excused absences, illness, or on Workers' Compensation.

447.15.2 UPLOADING OF RECORDINGS

At the end of each shift, the Member shall dock their BWC device at an approved location to upload the recorded files, unless otherwise approved by a supervisor. The supervisor shall document the reason(s) for granting the Member an extension to upload the recordings and the time period for the extension. Patrol operations and K-9 units shall document the approval within the Sergeant's Daily Log. All other supervisors who grant an extension shall document the approval in writing to his or her Captain. Any extension granted may not exceed four working days for the Member. The Member should park their patrol vehicle in an area that enables the wireless downloading of ICV recorded files whenever feasible.

447.15.3 EVIDENCE PRESERVATION

Members are required to ensure that BWC/ICV recordings of evidentiary value are properly categorized in order to ensure the recording is retained for the necessary retention period.

447.15.4 BWC STORAGE MEDIA AS EVIDENCE

In exceptional circumstances, the BWC itself may be booked into evidence prior to any uploading of media storage. Exceptional circumstances may include a major or significant incident at the direction of a Sergeant or above; or in the event the data cannot be uploaded due to a mechanical or technological malfunction. If the BWC is booked into evidence, established booking procedures shall be followed and referenced in the report.

447.16 ADMINISTRATION AND RECORD KEEPING

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447.16.1 BWC/ICV CUSTODIAN OF RECORDS

The Director of the Records Division or their designee shall be the Custodian of Records.

447.16.2 RECORD KEEPING REQUIRMENTS

See Department Policy 303.5 for Department Media record keeping requirements.

447.16.3 BWC/ICV PROGRAM COORDINATOR - MEDIA ANALYSIS BUREAU

The Department shall designate BWC and ICV Program Coordinators in the Media Analysis Bureau to have program oversight including, but not limited to:

1. Documenting system malfunctions and equipment failures related to BWC and ICV.
2. Conducts training to all users.
3. Ensuring media files are only released in accordance with Department Policy and applicable laws.
4. May assist with the coordinating issuance of devices.
5. Providing Department management recommendations on policy development and equipment integrity.
6. Conducts audits of BWC/ICV program compliance.

447.16.4 LIVESTREAMING AUDIT

The Records Division (Media Analysis Bureau) will create a monthly report of livestreaming activations which will be sent to the Administrative Sergeant of the bureau responsible for the Member who accessed the livestreaming function. The Administrative Sergeant will perform monthly audits to ensure compliance with this policy including user authorization, activation criteria, and CAD documentation. The Lieutenant/Captain of the Member who accessed the livestreaming will finalize the audit to ensure compliance with policy and send it to the Division Commander for retention. The audit documents will be maintained in the division where the livestreaming occurred and preserved in accordance with the County retention schedule.

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Foot Pursuit Policy

458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require heightened officer safety awareness, keen perception, common sense and sound tactics. It is the Department's position that although surveillance and containment are safer tactics for apprehending fleeing persons, it is understood a foot pursuit may sometimes be necessary. The purpose of this policy is to establish Department-wide guidelines, which can be applied to most foot pursuits, in an effort to standardize tactics and procedures that have been proven to be effective.

458.1.1 POLICY

It is the policy of the Orange County Sheriff's Department to assertively apprehend fleeing suspects in a manner maximizing both public and deputy safety, while acting in accordance with established policy and procedures.

The safety of Department Members and the public is paramount and should be the overriding consideration in determining whether or not a foot pursuit shall be initiated and/or continued. Any doubt by participating deputies or their supervisors regarding the overall safety of any foot pursuit should be decided in favor of communication, coordination, surveillance, and containment.

458.2 FOOT PURSUIT DEFINED

A foot pursuit is an incident where a deputy chases (on foot) a person who is evading detention or arrest.

458.3 MULTIPLE DEPUTY FOOT PURSUIT

When conducted by multiple (two or more) deputies, foot pursuits can be an appropriate and effective tactic. Should partner splitting occur for any reason, deputies should follow the guidelines of "One-Person Foot Pursuits."

Partner splitting occurs when loss of visual contact, distance, or obstacles separate partners to a degree they cannot immediately assist each other should a confrontation take place.

458.4 ONE-PERSON FOOT PURSUIT

One-person foot pursuits and the splitting of partners during foot pursuits present additional dangers to the deputy involved. The deputy's decision to pursue must weigh the dangers of the pursuit against the necessity to apprehend. If a lone deputy initiates a foot pursuit and the immediate apprehension of the suspect fails or is not possible, the objective should be to set up a containment perimeter. The initiating deputy should wait for additional deputies to arrive and in a coordinated effort take the suspect into custody.

Should the decision to initiate a one-person foot pursuit occur, the deputy should adhere to the following guidelines which include but are not limited to:

1. If a deputy decides to chase a suspect into a building, use extreme caution and consider the following:

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(a) The suspect(s) increased access to weapons

(b) The potential threat of additional suspect(s) or associates to the deputy inside the building

(c) The suspect(s) knowledge of the buildings floor plan (e.g. suspects' home)

(d) The suspect(s) ability to ambush the pursuing deputy

(e) Possible diminished radio reception

2. If the immediate apprehension of a fleeing suspect fails or is not possible, the deputy should broadcast identifying information about the suspect and location in order to initiate a containment perimeter by assisting deputies (Refer to Initiating Deputy Responsibility below).

3. If you can no longer see or hear the suspect, the deputy should consider setting up a containment perimeter in the area of the last known location.

4. Should containment be established and the suspect is believed to be within the containment, a coordinated search for the suspect begins. However, if the suspect is seen fleeing outside or beyond the containment perimeter, then a foot pursuit can be initiated again.

5. Should communication with dispatch be lost and cannot be re-established (e.g. Damaged pac-set or out of range), the pursuing deputy should consider terminating the pursuit.

6. If the suspect surrenders during the foot pursuit, the deputy should follow the Arrest Techniques in Section 5 of the Patrol Operations Procedures Manual:

   (a) *Superiority in Manpower and Firearms: Avoid making arrests alone; whenever possible, wait for sufficient back-up. Always attempt to have superiority in manpower and firearms before attempting the arrest. Don't try to go it alone; wait for your back-up. Don't get caught up in the excitement of the chase; think and plan the entire time.*

7. A deputy initiating a foot pursuit should broadcast, as soon as practical, the following information to dispatch:

   (a) Unit identifier and location

   (b) Number and location/direction of suspect(s)

   (c) Suspect(s) description

   (d) Reason for the foot pursuit

   (e) Whether or not the suspect is armed, if known

458.4.1 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.

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Any deputy who is in a position to intercept a fleeing suspect or who can assist the primary deputy with the apprehension of the suspect shall act reasonably and in accordance with Department policy, based upon available information and his/her own observations.

458.4.2 TACTICAL CONSIDERATIONS

A deputy should consider the following factors when determining whether to initiate and/or continue a foot pursuit:

1. Deputy and Public Safety

- Is the suspect fleeing in a manner that significantly increases the level of danger or risk to the deputy or public? (e.g. Running across a freeway)

2. Weapons

3. Ability to communicate effectively with dispatch.

4. Seriousness of the crime (e.g. CPC 187, 245, or H&S 11350).

5. Availability of resources to assist in the foot pursuit (e.g. Air Support, K-9 and available units to assist), if known at the time.

6. Conditions and abilities of the deputy, including physical and mental conditions.

Based on these factors, if the deputy determines not to pursue, a containment perimeter should be coordinated immediately.

This policy does not restrict Deputy Sheriffs in their mission of apprehending violators of the law nor does it restrict situations involving "Exigent Circumstances."

(a) "Exigent Circumstances"- means an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or the destruction of evidence or property.

458.4.3 FIREARMS

Running with a firearm in hand can increase a deputy's chance of having a negligent discharge. The drawing, exhibiting, and running with a firearm in hand is based solely upon the deputy's reasonable belief the situation may escalate to the use of deadly force. In all other instances, it is recommended the firearm be holstered.

458.4.4 CONTAINMENT PERIMETERS

A perimeter is used to contain a suspect in a specific area, thus making apprehension more likely and when combined with discontinuing the foot pursuit, it removes the inherent risks associated with pursuing. When a suspect flees on foot, using a perimeter rather than chasing a suspect greatly decreases the likelihood of an ambush.

For further guidelines/tactical considerations for perimeters and requesting for other resources, see Field Operations Manual (FOM) Sections 46-Unusual Occurrences/Hot Calls and 51-Critical Incident Management.

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458.5 FIELD SUPERVISOR RESPONSIBILITIES

As with any tactical field incident, the field supervisor should; but does not have to be physically present to assert control over the situation and may order the termination of the pursuit based upon information received. It shall be the field supervisor's responsibility to monitor the event and to assist in requesting additional resources as needed (e.g. Air Support, K-9, and additional deputies).

The field supervisor shall respond to the termination point of the foot pursuit and assert control as needed. The field supervisor shall ensure compliance with all Department policies; specifically those relating to the use of force.

*The Department Commander (DC) can also terminate the foot pursuit at any time.

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Automated License Plate Readers (ALPRs) Usage and Privacy Policy

463.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage, access, sharing, and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

ALPR technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Orange County Sheriff-Coroner Department to link data associated with vehicle license plates for official law enforcement purposes, including identifying and locating stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather or disseminate information related to active warrants, homeland security advisories (as permitted by California law), law enforcement bulletins, electronic surveillance, suspect interdiction, and stolen property recovery. It is the intent of the Department to ensure that the access and use of ALPR data is consistent with the law and with respect for individuals' privacy and civil liberties. The Department will also investigate and enforce unauthorized disclosure of confidential information. See Policy 215 and Civil Code 1792.29.

463.2 ADMINISTRATION

All installation and maintenance of department owned/leased ALPR equipment shall be managed by the Technology Division. The acquisition of ALPR systems and data shall be the responsibility of the Technology Division. The Technology Division will be responsible for ensuring vendors have the required safeguards that comply with CJIS standards. Data collected by Department owned/leased ALPR equipment, unless copied and booked as evidence, shall be managed by the ALPR provider. The Technology Division shall oversee the access, sharing, and technical requirements of this policy. The Patrol Operations Command shall oversee compliance, training, audit and use requirements of this policy. The administration of this policy shall be in compliance with the requirements of Civil Code Section 1798.90.5 et seq.

463.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined in this policy. Only Department Members assigned as Sergeants, Deputy Sheriffs, Investigators, Investigative Assistants, Dispatchers, Analysts, Sheriff Special Officers (SSO) or Community Service Officers (CSO) AND assigned to the Patrol Operations Command, Investigations and Special Operations Command, Special Services Bureau - Community Work Program, Judicial Protection Unit, Orange County Intelligence Assessment Center (OCIAC), Internal Affairs Bureau, or Regional Narcotics Suppression Program (RNSP) are authorized to operate ALPR equipment and access ALPR data, provided they have first received Department approved training. 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).

1. An ALPR shall only be used for official law enforcement business.

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2. 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.
3. 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, arson events, bombings, 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.
4. No Member of this Department shall operate ALPR equipment or access ALPR data without first completing Department-approved training.
5. No ALPR operator may access Department, state, or federal data unless otherwise authorized to do so.
6. The user shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.
7. Department Members shall access ALPR only from an approved Department workstation, MDC, or Department-issued mobile device.
8. Deputies are not authorized to respond Code 3 to an ALPR "hit" unless exigent circumstances exist and must comply with OCSD Policy 316.
9. No Member of this Department is authorized to leave a call for service in response to an ALPR "hit" unless there is an exigent circumstance.
10. Non-criminal history information contained within databases accessed through CLETS, NCIC or other DOJ criminal justice systems, as well as California LEAs' individual databases should not be used for the purpose of immigration enforcement.
11. Users should not include criminal history information or other personal identifying information of a target suspect (beyond the suspect's last name) or information obtained from CLETS into ALPR information fields accessed by those not authorized to receive CLETS information.

463.4 DATA COLLECTION AND RETENTION

All ALPR data is hosted or otherwise provided using a "Third Party ALPR Provider" (such as those contracts originated by the Department, law enforcement contract partners, businesses, homeowners' associations ("HOAs", etc.). ALPR data that is provided by the Third Party ALPR provider is the sole responsibility of that company (service provider). The Third Party ALPR Provider owns and is solely responsible for the data it makes available, its data will not be stored outside of the United States or Canada, and its employees who have access to unencrypted criminal justice information will undergo training and background checks.

ALPR data collected by the Department will be retained for six months to allow for the proper investigation into reported criminal activity. All data captured after six months will be purged unless it is part of an active criminal investigation or booked as evidence.

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ALPR data used in a criminal investigation may be considered evidence and should be exported, submitted into evidence, and documented in the related case report. All ALPR data uploaded to the Department's Digital Evidence Management System (DEMS) or copied and booked as evidence, shall follow the Department's evidence booking, handling, storage, and retention requirements.

463.5 ACCOUNTABILITY

All data shall be closely safeguarded and protected by both procedural and technological means. Each Member is responsible for safeguarding their personal login and password. The Orange County Sheriff-Coroner Department shall observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

1. All ALPR data shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, time, and purpose (Case #) (Civil Code § 1798.90.52). If applicable, multi-factor or two-factor authentication will be utilized in addition to login/password.
2. 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 relates to a specific criminal investigation or Department-related civil or administrative action. A report number or CAD call number shall be inputted into the search justification field before searching the ALPR data. In instances when an ALPR search is conducted prior to the creation of a CAD call number, the end user shall input the reason for the absence of a CAD call number or report number, along with the justification/purpose of the search.
3. Members approved to access ALPR data will receive relevant training prior to independently accessing the data.
4. Any time an authorized Member reasonably believes ALPR data may be beneficial in a criminal or non-criminal matter, the Member shall input a detailed reason for access, report number or CAD call number into the search reason field, to access the ALPR database.
5. ALPR system audits shall be conducted on a regular basis to ensure the security of the information accessed or used is in compliance with all applicable privacy laws. The Technology Division will generate an ALPR use report. The report will be used to conduct monthly audits of ALPR responses. The audits will be conducted by the supervisor responsible for administrative duties where the ALPR user is assigned. Any potential violation of the law or Department policy will be forwarded to the Command of the involved Member for further investigation which may result in revocation of ALPR system access, training and/or discipline.
6. Members of the Technology Division will be the only Members to have and grant administrator access. Upon separation from the Department, access to any ALPR data will be immediately revoked.
7. The Technology Division Director or designee will be the official custodian of the ALPR systems. The Technology Division will provide a list of users during the Employee Life Cycle review. The list will be given to the divisions to conduct a user audit by the supervisor responsible for administrative duties where the ALPR user is assigned.

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8. Members using ALPR must recognize that the data collected from the ALPR device, and the content of the referenced Hot Lists, consists of data that may or may not be accurate. To the greatest extent possible, information obtained from ALPRs should be verified from separate law enforcement information sources to confirm the vehicle or subject's identity and justification for contact. Users of ALPR data must, to the fullest extent possible, visually confirm the license plate or vehicle characteristics correspond with the digital image of the license plate or vehicle generated by the ALPR.
9. Members using ALPR will be required to implement the reasonable security features outlined in this policy pursuant to Cal. Civil Code 1798.90.51.
10. All Members using ALPR equipment or accessing ALPR data are required to acknowledge that they have read and understood this policy prior to use of the ALPR System.

463.6 AUDITS

Access to, and use of, ALPR data is logged for audit purposes. Audit reports will be structured in a format that is understandable, useful, and will contain:

1. The name of the user;
2. The date and time of access;
3. The specific data accessed;
4. The supplied authorized law enforcement or public safety justification for access; and
5. A case, tip, or CAD call number associated with the investigative effort generating the ALPR data query.

463.7 THIRD PARTY ALPR

Many local governments, businesses and HOAs have entered contracts with companies who provide ALPR services ("Third Party ALPR providers").The Orange County Sheriff's Department can use ALPR equipment and data owned by Third Party ALPR providers if there is an agreement with the contracting entity. Allied law enforcement agencies can also share their ALPR data with Members from the Orange County Sheriff's Department. Third Party ALPR data is to be handled consistent with California Civil Code sections 1798.90.5 et seq.

The owner of the Third Party ALPR system is responsible for the retention of data, as well as, any PRA requests related to the system they own. Any PRA requests for data from a Third Party ALPR system shall be governed by the Third Party ALPR provider's PRA policy and practices. Members of the Orange County Sheriff's Department will not retain data from Third Party ALPR systems unless that specific information is used during official OCSD duties and saved by OCSD.

463.8 CREATION AND USE OF "HOT LIST" OR "CUSTOM HOT LISTS"

Hot Lists are lists of vehicles or license plates associated with active investigations. Third party ALPR systems may automatically generate Hot Lists for license plate information that has been entered into the California Law Enforcement Telecommunication System (CLETS). Examples of investigations include Amber Alerts or other missing children, Silver Alerts or other critical missing

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elderly persons, missing adults, stolen vehicles, or stolen license plates. The purpose of these lists is to alert OCSD personnel that a vehicle displaying a license plate number that is included on a Hot List has been observed by an ALPR camera.

Custom Hot Lists can also be created for active investigations or official Department business but may only be created by authorized Members.

1. Authorized Members permitted to create a "Custom Hot List" include:
   (a) Deputies assigned to the Real Time Operations Center (RTOC)
   (b) Investigators
   (c) Investigative Assistants
   (d) Research/Crime Analysts
   (e) Sergeants
   (f) Deputy IIs assigned to the Traffic Office responsible for Traffic Collision Investigations
2. All Custom Hot Lists must be approved by a Sergeant prior to posting or distributing.
3. When a Member receives a Hot List or Custom Hot List alert, the Member must verify:
   (a) The ALPR read was accurate.
   (b) The issuing state matches the plate on record.
   (c) The circumstances that triggered the alert for a stolen vehicle or lost/missing/ stolen license plate are still valid by verifying through CLETS.
   (d) Circumstances that triggered the alert for all other cases not listed in subsection (c) must be accompanied with independent reasonable suspicion or legal justification for a detention.
   (e) The type of response requested in a Custom Hot List entry (e.g., Stop and FI, Crime Vehicle, Felony Warrant, etc.).
4. If the record in the Hot List or Custom Hot List was created based on the wanted status of the registered owner (the registered owner has an outstanding warrant for their arrest), the Department Member must be cognizant of the fact the driver may not be the wanted subject and should have independent reasonable suspicion or legal justification for the stop.
5. Members must have reasonable suspicion to initiate a traffic enforcement stop on the vehicle, independent from the Hot List or Custom Hot List alert.

463.9 SHARING AND RELEASING ALPR DATA

Pursuant to Civil Code Section 1798.90.55, subdivision (b), ALPR data shall not be sold, shared, or transferred, except to another public agency, and only as otherwise permitted by law. SB 34 does not permit California LEAs to share ALPR information with private entities or out-of-state or federal agencies, including out-of-state and federal law enforcement agencies. Members may share ALPR data on a case-by-case basis with other law enforcement or prosecutorial agencies

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for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

1. The agency makes a written request for the ALPR data that includes:
   (a) The name and description of the agency.
   (b) The name of the person requesting the information.
   (c) The intended purpose of obtaining the information.
   (d) A statement that the data will be kept confidential and will not be used or disclosed in any manner that is prohibited by California Civil Code section 1798.90.5 et seq.; Penal Code section 13778.2; Government Code sections 7284.6and 7921.505, subdivision (c)(5); or any other laws that currently exist.
2. The request must be reviewed by the authorized designee within the Records Division and approved before the request is fulfilled.
3. The approved request is sent to the Technology Division and is retained on file by the Technology Division according to the County of Orange retention requirements.

ALPR data authorized to be shared with other Law Enforcement agencies for access to the requesting agency's independent ALPR searches must be accompanied by the Department's ALPR Sharing MOU. The Technology Division will retain all ALPR MOUs, grant/deny access to the requesting agency, and ensure compliance with MOU requirements.

Requests for ALPR data by non-law enforcement or non-prosecutorial public agencies shall be processed at the direction of the Records Division. (See Section 463.7 Third Party ALPR above regarding PRA requests involving Third Party Providers.)

In responding to a Public Records Act request or compulsory process in litigation seeking the production of ALPR information, California LEAs should consider all applicable privileges and exemptions depending on the nature of the request, bearing in mind the command in Civil Code section 1798.90.55, subdivision (b), that an ALPR end-user or operator "shall not sell, share, or transfer ALPR information, except to another public agency, and only as otherwise permitted by law."

The release of ALPR data which has been uploaded to the DEMS or copied to disc format and booked into evidence shall be released in accordance with Policy 802 - Property and Evidence.

463.10 TRAINING

Department training for use of ALPR systems shall address compliance with this policy including data privacy and security.

The Field Training Bureau shall ensure that Members assigned to the Patrol Operations Command receive Department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

The Real Time Operations Center Supervisor will ensure that Members assigned to the Operations Support & Intelligence Division, and any other authorized user receive Department-approved

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training for those authorized to use or access the ALPR system through OCSD access (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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Naloxone Policy

490.1 PURPOSE AND SCOPE

Deputy Sheriffs, Sheriff's Special Officers (SSOs), Correctional Service Assistants (CSAs), Community Service Officers (CSOs), Forensic Scientists, Forensic Specialists, Legal Property Technicians and Deputy Coroners are occasionally the first to respond to a person who is experiencing or suspected of experiencing an opioid-related overdose. The purpose of this policy is to establish procedures to govern an "Overdose Prevention Program" through the deployment of Naloxone by theseDepartment Members. The objective is to reduce injuries and fatalities resulting from opioid overdoses, in the instances where emergency medical personnel have not yet arrived.

For purposes of this Policy, all references to "Members" mean Deputy Sheriffs, SSOs, CSAs, CSOs, Forensic Scientists, Forensic Specialists, Legal Property Technicians and Deputy Coroners.

490.2 POLICY

It is the policy of the Orange County Sheriff's Department that Members shall be trained to administer Naloxone in accordance with mandated training guidelines as determined and established by the Orange County Health Care Agency/Emergency Medical Services (HCA/EMS) pursuant to Health & Safety Code 1797.197 and California Civil Code 1714.22.

1. Members who are trained in accordance with mandated training guidelines shall deploy with Naloxone kits in the field. Naloxone kits will be made available to Members working custody operations at specific locations, as determined by the facility Program Manager. However, the Member shall retain the discretion to administer or not administer Naloxone to persons experiencing or suspected of experiencing opioid-related overdoses. There is no legal obligation to administer Naloxone.
2. Members who administer Naloxone, are protected from civil and criminal liability if they "act with reasonable care" and "in good faith". This is accomplished by administering Naloxone according to established training protocol.
3. If a Member has a valid reason for not participating in the program, such as religious objections, they shall be excused with the approval of his/her Commander.

490.3 PROGRAM COORDINATOR

The Southwest Operations Captain shall serve as the Department's Program Coordinator and shall work in collaboration with the HCA/EMS. The Program Coordinator shall designate Program Managers at each participating location to provide support to the Program Coordinator. The Program Managers shall be responsible for tracking, storage, maintenance, replacement of Naloxone kits, and reporting to the Program Coordinator.

490.4 TRAINING

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490.4.1 INITIAL TRAINING
Members may not administer Naloxone without the completion of mandated training by HCA/EMS. All Members at participating locations shall receive initial training that shall include, at a minimum, an overview of California Civil Code 1714.22, patient assessment (signs/symptomology of overdose), universal precautions, rescue breathing, seeking medical attention, and the use of intra-nasal Naloxone. Upon completion of training, Members shall have their training recorded with the Program Coordinator.

490.4.2 CONTINUING TRAINING
Members shall receive refresher training as deemed appropriate by HCA/EMS.

490.5 NALOXONE DEPLOYMENT
The Department shall deploy Naloxone kits as deemed appropriate by the Sheriff or the Sheriff's designee.

490.6 NALOXONE KITS
Naloxone kits shall include at a minimum: gloves, mask, eye protection, atomizer, and Naloxone. Members at participating patrol locations shall check out a Naloxone kit and deploy with the kit during their tour of duty. Naloxone kits will be made available to Members working custody operations at specific locations, as determined by the facility Program Manager.If no kits are available, the Member must notify their supervisor.

490.6.1 NALOXONE STORAGE
Naloxone kits must be returned to the local equipment cage or administrator at the end of shift and shall not be kept in patrol vehicles for extended periods of time.

490.7 NALOXONE USE
In a non-custodial setting, Members are authorized to administer Naloxone when they reasonably believe someone is experiencing an opioid-related overdose.

In a custodial setting, if a sworn Member is not immediately available, CSAs and SSOs may administer Naloxone and provide first aid. Upon arrival, a sworn Member will assume responsibility of the scene, conduct an investigation, and document the incident.

Members shall treat the incident as a medical emergency and shall follow these steps when performing this intervention:

1. Members should have a heightened officer safety when responding to a possible overdose. The patient receiving the Naloxone may regain consciousness in a combative or altered state, the area may contain hazardous substances such as Fentanyl and the incident could be staged to distract you;
2. Request emergency personnel (including but not limited to sworn Members, medical staff, paramedics) to respond;
3. Maintain universal precautions and when possible, use Personal Protective Equipment;

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4. Perform patient assessment;
5. Determine unresponsiveness;
6. Update your activity (via dispatch, pac-set, steno, panic button, Main Control) of potential overdose state;
7. Follow Naloxone use protocol;
8. Immediately notify responding emergency medical personnel that Naloxone has been administered; and
9. Supervisor notification shall be made as soon as reasonably possible, prior to or immediately following the deployment of Naloxone.

490.8 DOCUMENTATION/NALOXONE REPORTS

Upon completion of the incident, Members shall submit a report detailing the nature of the incident, the care the patient received, and the fact Naloxone was deployed.

490.8.1 REPORTING RESPONSIBILITY

The supervisor shall be responsible to ensure the report was completed and submitted to the local Program Manager in a timely manner. The local Program Manager shall ensure a copy of the report is forwarded to the Program Coordinator.

490.9 MAINTENANCE AND REPLACEMENT

The maintenance and replacement of Naloxone kits shall be the responsibility of the Program Manager (or their designee) assigned to each location where the kits are used. Kits should be inspected regularly to ensure they are not damaged or expired. Used, lost, expired or damaged Naloxone kits shall be reported to the immediate supervisor and returned to the local Program Manager for replacement.

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Chapter 5 - Traffic Operations

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Traffic Collision Review Board (TCRB)

501.1 PURPOSE AND SCOPE

1. The TCRB will review all incidents involving an unintended event that produces damage, injury or death involving a Department Member and a Department assigned motor vehicle or watercraft; regardless of whether the vehicle is owned by the county, a city, or leased.
2. The TCRB does not review incidents involving damage to Department assigned motor vehicles or watercraft caused by acts of nature, legal intervention, or criminal actions (i.e. arrestee kicks out window to patrol vehicle).
    (a) Legal intervention is defined as injury or damage caused by enforcement intervention (e.g., Pursuit Intervention Technique).
    (b) If during the course of legal intervention injury or damage occurs outside of the original intent this would then be considered accidental and meet the criteria for a motor vehicle collision (see policy 502 – Traffic Collision Reporting).
3. In all situations involving damage to county property, a D.R. shall be requested and a County of Orange Vehicle Collision/Incident Report shall be completed. Supplemental reports may include a traffic collision report, initial crime report, or follow up report.

501.2 NOTIFICATIONS

1. If a Member is involved in a collision, the Member shall immediately notify his/her supervisor. The local law enforcement agency should be notified of the collision and asked to respond to the scene. A traffic collision investigation should be conducted and the appropriate reports should be completed by the investigating agency. In addition, the Member shall request a D.R. from ECB.
2. All supervisors investigating a Department related collision shall notify the on-duty Department Commander (DC) and ensure that the following information is given for the Department Commander's log:
    (a) D.R. Number
    (b) Outside Agency D. R. / Officer ID (if applicable)
    (c) Type of Collision (e.g. Fatal, Injury, and Property Damage)
    (d) Date & Time of Incident
    (e) Parties Involved / Department Operator
    (f) Unit Number
    (g) Damage Description (e.g. Minor, Moderate, Major)
    (h) Disposition of Vehicle
    (i) Responding Supervisor
    (j) Summary of Incident

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(k) Handling Deputy / CSO / Agency

3. In addition to notifying the Department Commander, the supervisor shall document the incident in the automated Supervisors Log under the classification of (Traffic Collision Emp. Involved). The following information should be entered as a minimum:
   (a) D.R. Number
   (b) Outside Agency D. R. / Officer ID (if applicable)
   (c) Type of Collision (e.g. Fatal, Injury, Property Damage)
   (d) Date & Time of Incident
   (e) Parties Involved / Department Operator
   (f) Unit Number
   (g) Damage Description (e.g. Minor, Moderate, Major)
   (h) Disposition of Vehicle
   (i) Responding Supervisor
   (j) Summary of Incident
   (k) Handling Deputy / CSO / Agency
   (l) OC Crime Lab notified / responded
4. Finally, the supervisor shall complete a Supervisor Synopsis for Member Involved Collision report (this report can be found in the Department intra-net document center). This report shall include the supervisor's opinion as to whether the collision was preventable or non-preventable. The Supervisor Synopsis report, County of Orange Vehicle Collision/Incident Report, and the traffic collision report shall be forwarded through the supervisor's chain of command for approval. Once approved, the originals of these reports shall be forwarded to the S.A.F.E. Division so that they may be evaluated and prepared prior to being submitted to the TCRB for review.

501.3 TRAFFIC COLLISION REVIEW BOARD COMPOSITION

1. Chair of the Board - Assistant Sheriff of Professional Services Command
2. Member - S.A.F.E. Division Commander
3. Member - Risk Management Bureau Commander
4. Member - North Operations Captain
5. Member - Southeast Chief of Police Services
6. Member - Southwest Chief of Police Services
7. Member – Investigations Captain
8. Member - Training Sergeant
9. Member - Regional Traffic Bureau Sergeant
10. Member - S.A.F.E. Division Administrative Manager

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11. Member - S.A.F.E. Division Professional Staff Member
12. Member - R&D Fleet Management Manager
13. Associate – Transportation Sergeant (Optional)
14. Associate - Department Safety / Training Officer (Optional)
15. Associate - Harbor Patrol Bureau Captain (Optional)

To ensure the Board has access to all pertinent information, subject matter experts may be invited or required to attend Board meetings. Members may designate an alternate in their place.

501.4 DUTIES AND RESPONSIBILITIES

1. The S.A.F.E. Division shall compile, track, and log all incidents to be reviewed by the Board. This shall be accomplished through reviewing the DC log and CAD system. The S.A.F.E. Division will ensure that all necessary traffic collision information is forwarded to the CEO/Risk Management office.
2. The S.A.F.E. Division will schedule quarterly Board meetings regardless of the number of cases to be reviewed. Additionally, the S.A.F.E. Division will notify Board members of unscheduled meetings at the direction of the Chair of Board (Assistant Sheriff of Professional Services Command). Incidents that may require unscheduled Board meetings may involve, but are not limited to, serious injury or death to a Member or citizen, or substantial county or city liability.
3. During the meeting the Board will render the following decisions:
    (a) Non-preventable
    (b) Preventable
    (c) Follow-up required
    (d) Damage only*
    (e) Unknown
    (f) Legal intervention
    (g) Other
4. If the collision is determined to be non-preventable, no further action will be taken. If the collision is determined to be preventable, the Board will determine the appropriate preventable cause factors related to the incident.

* Damage only indicates that the vehicle/vessel was unoccupied when the damage occurred.

501.5 PREVENTABLE CAUSE FACTORS

1. Unsafe Speed for Prevailing Conditions
2. Failure to Signal
3. Failure to Stop

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4. Failure to Yield Right of Way
5. Following too Closely
6. Failure to Set Parking Brake
7. Improper Lane Change
8. Unsafe Starting Maneuver
9. Unsafe Turning Movement
10. Unsafe Passing
11. Unsafe Parking Maneuver
12. Driving Under the Influence (alcohol/drugs/prescription medication)
13. Mechanical Defect Unreported
14. Failure to Secure (load, doors, tailgates, trailer hitch)
15. Distracted Driver
16. Improper Loading
17. Driver fatigue
18. Unsafe backing
19. Other

501.6 PREVENTABLE COLLISION CORRECTIVE MEASURES

1. The TCRB Chair Person shall assign each preventable collision a corrective measure. Corrective measures include, but are not limited to, the following:
    (a) Review tactical driving for law enforcement DVD
    (b) Complete driving simulator course (sworn)
    (c) Complete an approved defensive driving course (professional staff)
    (d) Driving in reverse course at Training Division
    (e) Refer to Commander for review
    (f) Refer to immediate supervisor for additional specialty training
    (g) Other

Corrective measures shall be assigned based on the circumstances surrounding each specific collision. This is meant to ensure the Member involved receives the most appropriate training to assist in preventing future traffic collisions.

Furthermore, the TCRB Chair Person may refer ***any*** preventable collision(s) to the Member's Commander based on the totality of the circumstances surrounding the collision (e.g., policy violations, multiple preventable collisions within a 12 month period, etc.).

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A Member shall complete their assigned corrective measure within 60 days of receiving notification unless an extension is authorized by their Commander.

A Member shall be granted an extension to complete their assigned corrective measure if they file a written appeal to the S.A.F.E. Division as outlined in section 501.7 of this policy.

501.7 APPEAL PROCESS OF PREVENTABLE COLLISIONS

501.7.1 RIGHT TO APPEAL

All Department Members shall have the opportunity to appeal the decision of a preventable traffic collision.

501.7.2 TIME FRAME TO APPEAL

In order to process all appeals in a timely manner, all requests must be made in writing to the TCRB / S.A.F.E. Division no later than 30 days after receipt of the TCRB finding.

501.7.3 COMPOSITION OF APPEALS BOARD / APPEAL HEARING

The composition of the Board shall consist of the regular traffic collision review board members. The appeal shall be heard at the next scheduled TCRB meeting. In the event the appeal cannot be heard, it shall be scheduled for the following quarterly meeting.

501.7.4 PRESENTATION OF ADDITIONAL EVIDENCE

During the appeal, the appellant may present additional evidence (written and/or oral) to the Board that they feel is relevant to support their appeal. The appeal meeting itself is relatively informal in nature and is intended to provide a relatively relaxed environment for the appellant to present their perspective on the contested vehicle collision.

501.7.5 BOARD DECISION

The TCRB shall take into consideration the following when making its decision:

1. The original vehicle collision report and other supporting information that formed the basis of the initial findings of a preventable vehicle collision.
2. Mitigating information the Member may have presented at the appeal meeting.

The appellant and their supervisor shall be notified in writing of the Board's decision within 30 days of the appeal meeting.

501.8 ADDITIONAL BOARD FINDINGS

501.8.1 BOARD FINDINGS UNRELATED TO TRAFFIC COLLISIONS

Any policy violations or other Departmental issues identified during the course of the TCRB process unrelated to the traffic collision shall be referred to the involved Members command by the TCRB Chair Person at the conclusion of the TCRB.

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Orange County Sheriff-Coroner Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and makes traffic collision reports available in accordance with Vehicle Code § 20012.

502.2 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by Members of this Department shall be forwarded to the Regional Traffic Bureau for approval. Upon approval, all reports are submitted to the Records Bureau for data entry into the Records Management System.

Reports involving Sheriff's Department Members or Department assigned vehicles (County owned or leased) shall be submitted to the S.A.F.E. Division for data entry into the TCRB database. The S.A.F.E. Division shall be responsible for quarterly reports on traffic collision statistics to be forwarded to Executive Command.

502.3 REPORTING SITUATIONS

502.3.1 TRAFFIC COLLISIONS INVOLVING DEPARTMENT VEHICLES

Traffic collision investigation reports shall be taken when a Department assigned vehicle (CHP 555) or watercraft (DBW VAR-1) is involved in a traffic collision upon a roadway, highway or waterway wherein any damage or injury results.

An information report may be taken in lieu of a traffic collision report (CHP 555) at the direction of a supervisor when:

1. The collision occurs on private property or
2. Does not involve another vehicle or
3. Results in no vehicular or property damage

Whenever there is damage to a Department assigned vehicle, a Vehicle Collision/Incident Report (aka: damage to county property) shall be completed by the Member and submitted to his/her immediate supervisor.

Driver Responsibility:

1. Report the collision immediately to his/her direct supervisor or Department Commander.
2. Report the collision to the law enforcement agency having traffic investigation and enforcement responsibilities.
    (a) If the collision occurs within a jurisdiction where the Sheriff's Department has complete traffic responsibility and the collision results in injury to any party involved, the California Highway Patrol shall investigate the collision.

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(b) A Sheriff's sergeant and an appropriate area unit shall be sent to assist in the investigation in cases not requiring CHP assistance at the direction of the Department Commander. The involved Member shall not write the traffic collision report (CHP 555).

(c) Any collision that occurs on private property will be reported to the responsible law enforcement agency.

3. Deputies shall make no comments or statements to anyone except the investigating officer and the Sheriff's sergeant.

4. Submit a County Vehicle Collision/Incident Report. Include DR# on upper right-hand corner.

Supervisor Responsibility:

1. A Sergeant or Supervisor shall respond to all traffic collisions involving Sheriff's Department vehicles. It is the responsibility of that supervisor to ensure that a complete investigation at the scene is conducted. These responsibilities are:

   (a) That the deputy/Sheriff's Member makes no comment or statements except to the investigating officer.

   (b) That all names of involved parties, witnesses, injured persons, and investigating officers are obtained.

   (c) That physical evidence is collected; length of skid marks are measured, damage is noted, photographs taken, etc.

   (d) Determine, if possible, who was at fault and what violations occurred (Vehicle Code, Department Rules and Regulation, and/or Department Policy, etc.).

   (e) That the Department's case number is obtained from the investigating agency and our Department's case number is furnished to the investigating officer.

   (f) Determine the appropriate action to be taken as to:

      1. Disposition of the involved Sheriff's vehicle

      2. Completion of the Worker's Compensation forms as required.

      3. Completion of the report by the deputy/Sheriff's Member, including the County Vehicle Collision Incident Report. This report is to be completed by the driver of the involved vehicle.

      4. Department Commander is notified of the situation and of the action taken.

2. The supervisor shall complete a Supervisor Synopsis for Member Involved Collision report (this report can be found in the Department intranet document center). This report shall include the supervisor's opinion as to whether the collision was preventable or non-preventable. The Supervisor Synopsis report, County of Orange Vehicle Collision/Incident Report, and the traffic collision report (CHP 555) shall be forwarded through the supervisor's chain of command for approval.

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502.3.2 TRAFFIC COLLISIONS WITH SHERIFF DEPARTMENT MEMBERS

When a Member of this Department, on-duty or off-duty, is involved in a traffic collision within Sheriff's Department jurisdiction resulting in a serious injury or fatality, or the collision is suspected to be the result of impairment, the Department Commander shall notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

502.3.3 TRAFFIC COLLISIONS WITH OTHER COUNTY OR CITY MEMBERS OR OFFICIALS

The Department Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any county official, contract-city official or Member where a serious injury or fatality has occurred.

502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

A traffic collision report shall not be taken for traffic collisions involving the public that occur on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. An Information Report may be taken at the discretion of any supervisor.

502.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway where the Sheriff's Department has complete traffic responsibility under any of the following circumstances:

1. When there is a death or injury to any persons involved in the collision.
2. When there is an identifiable violation of the Vehicle Code.
3. When a report is requested by any involved driver.

502.3.6 TRAFFIC COLLISIONS AND PURSUIT INTERVENTION TECHNIQUE

If the suspect is successfully "pitted" and crashes as a result of the maneuver, an accident report is not necessary. This aspect of the policy is because the PIT maneuver is an intentional act and therefore does not qualify as a reportable traffic accident.

If the suspect crashes into a third party, a patrol unit, or other property and causes damage, then a traffic collision report (CHP 555) is required.

502.3.7 PURSUIT RELATED TRAFFIC COLLISIONS

1. If **any** injury or non-injury collision occurs during the course of a pursuit initiated or commanded by Department personnel where a Department vehicle or pursued vehicle is involved in a collision, the collision shall be investigated by the local agency having jurisdiction where the collision occurred. If the collision occurs in the unincorporated areas of Orange County or in areas where OCSD has jurisdiction for traffic accident investigation (Contract Cities), the collision will be investigated by the CHP.
    (a) If the collision only involves the suspect vehicle and/or a Department vehicle and no occupied third party vehicles are involved, and the collision is minor in nature with property damage only, the Department Commander shall make a

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determination of whether or not to have the collision investigated by the CHP or OCSD personnel if the collision occurs in an area where OCSD has jurisdiction for traffic accident investigation.

2. In the event a death or injury occurs as a result of the collision to individuals in the suspect vehicle, the deputy in the Department vehicle, or any other person, the collision shall be investigated by the local agency having jurisdiction where the collision occurred. If the collision occurs in the unincorporated areas of Orange County or in areas where OCSD has jurisdiction for traffic accident investigation (Contract Cities), the collision shall be investigated by the CHP.

   (a) If a fatal collision does not require a response from the CHP Multi-Disciplinary Accident Investigation Team (M.A.I.T.) or the local agencies equivalent, then the assistance of the Orange County Sheriff's Department Major Accident Investigation Team (M.A.I.T.) may be requested via the Department Commander. The M.A.I.T. response shall be a minimum of two (2) Members who will assist with mapping only. All identification and documentation of evidence will be conducted by the CHP or local agency.

502.4 REPORTING SITUATIONS

In the event of serious injury or death related traffic collision, the Department Commander shall notify the Traffic Bureau Supervisor to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau or M.A.I.T. Team.

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Impaired Driving and Evidence Collection

514.1 PURPOSE AND SCOPE

This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol and/or drug content level of drivers arrested for driving while intoxicated and unconscious drivers who are suspected of driving while intoxicated.

514.2 POLICY

When a person is arrested for driving under the influence of an alcoholic beverage, the arresting deputy shall advise the person that he/she has a choice of whether the chemical test shall be of the breath or blood (Vehicle Code § 23612 (a)(2)(A)). When a person is arrested for driving under the influence of any drug or the combined influence of an alcoholic beverage and any drug, the arresting deputy shall advise the person that he/she has a choice of whether the test shall be of the blood or breath (Vehicle Code § 23612 (a)(2)(B)).

If the person chooses to submit to a breath test, 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. The deputy shall state in his or her report the facts upon which that clear indication is based. The deputy shall advise the person that he or she is required to submit to an additional test. The person shall submit to and complete a blood test. If the person arrested is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

If a blood or breath test are unavailable, the person shall submit to a urine test (Vehicle Code § 23612(d)(2)).

The deputy shall also advise the person that he or she does not have the right to have an attorney present before stating whether he or she will submit to a test, before deciding which test to take, or during administration of the test, and that, in the event of refusal to submit to a test, the refusal may be used against him or her in a court of law (Vehicle Code § 23612(a) (4)).

Any person who is unable to submit to a chemical test due to any of the following conditions shall not be considered as refusing to comply with the provisions of Vehicle Code § 23612:

1. The Department is unable to furnish a selected test.
2. There are verifiable medical reasons for noncompliance.
3. An attending physician refuses to allow it.

514.2.1 COLLECTING BLOOD EVIDENCE

Only a certified phlebotomy technician, licensed physician, nurse or other individual authorized by Vehicle Code § 23158(a) may withdraw a blood sample. Whether such evidence is collected at the Department or other location, the withdrawal of the blood sample shall be witnessed by the assigned deputy.

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A person who is a hemophiliac or is using an anticoagulant under the direction of a physician for a heart condition, shall not be required to take a blood test, but shall submit to and complete a urine test (Vehicle Code § 23612(b) and (c)).

All blood samples shall be booked into evidence for later transfer to the crime laboratory for analysis.

514.2.2 COLLECTING BREATH AS EVIDENCE

If the arrested person chooses a breath test, the arrested person shall be given a breath test in the field utilizing the Intoximeter AlcoSensor IV-XL Point of Arrest System (Yellow Box). This test shall be administered by a deputy who has been trained in the use of the device and is a qualified operator.

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 that no breath sample will be available after the test which could be analyzed later by that person or any other person, and the person may, if desired, provide a blood or urine sample which shall be retained at no cost to the person to facilitate subsequent verification testing (Vehicle Code § 23614(a) and (b)). The person shall also be advised that the blood or urine sample may be tested by either party in any criminal prosecution (Vehicle Code § 23614(c)).

514.2.3 COLLECTING URINE AS EVIDENCE

If the arrested person chooses a urine test, as permitted by law, he/she shall be promptly transported to the jail. Urine evidence collection kits are maintained in the jail. The deputy shall follow the directions listed on the instruction sheet accompanying the urine evidence collection kit. If the arrested person's urine is necessarily collected elsewhere, the procedure will remain the same.

Urine samples shall be collected and/or witnessed by a deputy of the same gender as the person giving the sample. The person tested shall be given such privacy in the taking of the urine specimen as will ensure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved (Vehicle Code § 23158(i)).

The urine evidence collection kit shall be marked with the arrestee's name, offense, department, case number and the name of the witnessing deputy. The urine evidence collection kit shall then be placed in the evidence refrigerator to await transportation to the crime laboratory.

514.2.4 TESTING OF CONSCIOUS PERSON AT A HOSPITAL

If because of the need for medical treatment, the arrested person is first transported to a medical facility where it is not feasible to administer a particular test of, or to obtain a particular sample of, the person's blood, breath or urine, the person has the choice of those tests that are available at the facility to which that person has been transported. In that case, the deputy shall advise the person of those tests that are available at the medical facility and that the person's choice is limited to those tests that are available (Vehicle Code § 23612(a) (3)).

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514.2.5 TESTING OF UNCONSCIOUS PERSON AT A HOSPITAL

When a person is suspected of driving under the influence of alcohol and/or drugs and the person is unconscious or in a condition rendering him or her incapable of consent, the deputy shall advise the attending physician of the intention to collect a sample of the person's blood as evidence. If the physician does not object based on medical reasons, the deputy shall contact the Department Commander to obtain a search warrant for the blood to be drawn. If the deputy believes there are exigent circumstances to justify not obtaining a warrant, the deputy shall contact the Department Commander, who will review the circumstances and determine whether a search warrant will be requested. **The fact of the dissipation of alcohol in the arrestee's bloodstream alone does not constitute an exigency.**

If the person is dead, the handling deputy should coordinate with the Coroner's Office to ensure that a viable test shall be obtained (Vehicle Code § 23612(a)(5)).

514.3 REFUSAL OR FAILURE TO TEST

If a person who has been arrested for a violation of Vehicle Code § 23140; Vehicle Code § 23152; or Vehicle Code § 23153, after having been advised of his/her rights per Vehicle Code § 23612, refuses or fails through statements or actions to complete a chemical test, the handling officer shall serve the notice of order of suspension on behalf of the Department of Motor Vehicles and confiscate all California driver's licenses in the person's possession (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

Blood may only be taken by force in any impaired driver investigation when the person refuses to submit to a chemical test and when **all** the following circumstances have been met:

1. The person must be in custody for DUI and a search warrant has been obtained to draw the person's blood by force or there are exigent circumstances which justify not obtaining a search warrant. The deputy shall contact the Department Commander to request that a search warrant be obtained for the blood to be drawn by force. If the deputy believes there are exigent circumstances to justify not obtaining a search warrant, the deputy shall contact the Department Commander, who shall review the circumstances and determine whether a search warrant will be requested. **The fact of the dissipation of alcohol in the arrestee's bloodstream alone does not constitute an exigency.**
2. The person's alternative choice, if selected, is either unavailable or not a viable test for the nature of the suspected intoxication (e.g., breath is not a viable test for suspected drug influence).
3. The blood is taken in a medically approved manner.
4. All forced blood extractions are to be conducted in a secure location out of the view of the public.
5. If a forced blood extraction must occur at an Orange County Jail Facility, deputies shall comply with CCOM Policy 1502 Blood Extraction.
6. Only reasonable force may be used to restrain the arrestee.

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After a search warrant has been obtained or after the Department Commander has determined that exigent circumstances exist which justify not obtaining a search warrant, and with a supervisor present, blood may be forcibly extracted from a person arrested for DUI who is physically uncooperative and has refused a chemical test. The amount of force used to accomplish the collection of this evidence shall be controlled by that supervisor, keeping in mind the seriousness of the suspected offense and the factors used to determine the reasonableness of force in accordance with the Use of Force Policy.

The circumstances surrounding any blood draw by force shall be thoroughly documented in all arrest reports including whether or not a search warrant was obtained and, if not, the circumstances (beyond the mere dissipation of evidence) which precluded obtaining a search warrant. The amount of force and methods used to accomplish the blood sample draw shall also be detailed in the report.

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Disabled Vehicles

520.1 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.

520.2 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.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department Members shall be contingent on the time of day, the location, the availability of Departmental resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department Members 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.

520.3.2 PUSH BARS

Push bars are to be used in situations where property damage and/or injury would be likely to occur if immediate clearing of the road hazard did not take place. Use whatever means available to clear the traffic lanes, including the use of push bars. Except in the most serious cases, restoration of the traffic flow shall take precedence to allow minimum discomfort and time loss to the motoring public.

In a more serious scenario, when a full investigation is warranted, remember to leave the vehicles at their original points of rest until measurements and photographs can be taken. Although contract tow vehicles should be used to clear the traffic lanes, do not leave a lane blocked merely because the summoned tow has not yet arrived.

Some examples of proper use of push bars would be:

1. Pushing a stalled vehicle creating a traffic hazard blocking the roadway or intersection to a point of safety.
2. Moving a vehicle from a point of danger after being involved in a traffic collision and use of the roadway is required.

The above situations are examples only and would be the most common times push bars would be used.

Push bars should not be used for:

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1. Push-starting another vehicle.
2. Pushing another vehicle when immediate clearing of the roadway is not necessary or when alternative traffic control techniques could be used.

Any intentional misuse of County equipment is a violation of the Sheriff's Department Rules and Regulations and is subject to review and/or discipline.

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Chapter 6 - Investigation Operations

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Facial Recognition System

600.1 PURPOSE AND SCOPE

This policy establishes procedures for the acceptable use of the Integrated Law and Justice Agency of Orange County (ILJAOC) Facial Recognition System (FRS), its images, information, and tools. The FRS shall only be used when there is reasonable suspicion that such use will provide information relevant to an active investigation, reduce an imminent threat to health or safety ("at-risk"), or to help identify deceased persons or persons unable to identify themselves. The FRS will be used in accordance with federal and state law, including the California Values Act (Government Code Section 7282 et. seq.).

The provisions of this policy are provided to support the authorized uses of the FRS and information identified below. This policy applies to all law enforcement agencies and agency personnel with access to the FRS, and access to the Investigative Leads produced therefrom. Each law enforcement agency requesting access to the FRS is required to maintain an internal policy regarding the use of the technology that is consistent with this policy and is expected to include agency specific operational procedures, as appropriate. Agencies that do not adopt internal policies and procedures consistent with this policy will not be granted access to the FRS. Any ambiguity or inconsistencies in the required policies shall be resolved in favor of a meaning that complies and is consistent with federal and state laws, regulations, and standards.

The ILJAOC considers the results, if any, of a Facial Recognition search to be an Investigative Lead only. Facial Recognition search results are not regarded as positive identification of a subject and do not, on their own, establish either reasonable suspicion to detain or probable cause to support a search warrant or an arrest. Connection or involvement of the subject(s) to the investigation must be determined through further lawful investigative methods and investigative resources (e.g., witness interviews, forensic analysis of crime scene evidence, witness or victim identification, etc.).

600.1.1 DEFINITIONS AND TERMS

Breach– The unauthorized acquisition, access, use, or disclosure of Facial Recognition data in a manner that compromises the security, confidentiality or integrity of the information; or the same as the definition of "breach of the security of the system" set forth in California Civil Code Section 1798.29(f).

Candidate Images – The results of a Facial Recognition search. When Facial Recognition software compares a Probe Image against the images in a Repository, the result is a list of Candidate Images that the software determines to be sufficiently similar to or most likely resemble the Probe Image to warrant further analysis. A Candidate Image is an Investigative Lead only and does not establish reasonable suspicion or probable cause without further investigation or evidence.

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Facial Recognition – The automated process whereby a Probe Image is used by Facial Recognition software for comparison with the Known Images (or features within images) contained in the image Repository, resulting in a list of Candidate Images ranked by computer-evaluated similarity score. This is commonly referred to as a one-to-many comparison.

Facial Reviewer – The human reviewer of Candidate Images produced by the automated FRS to identify possible matches. The Facial Reviewer must have successfully completed training in facial comparison and use of the Facial Recognition software.

Investigative Lead – Any information that could potentially aid in the successful resolution of an investigation. An Investigative Lead does not imply positive identification of a subject, nor that the subject is responsible for or otherwise involved in a criminal act.

Known Image – The image of an individual associated with a known or claimed identity and recorded electronically by a law enforcement agency through the Orange County Automated Biometric Identification System during the individual's booking process at an Orange County or City Jail.

Log(s) – A necessary part of an adequate security system which ensures that information is properly tracked and that only authorized individuals have access to the data within the FRS and the resulting Candidate Images.

Participating Agency – A law enforcement agency that is authorized to contribute images and/or biometric information and/or is authorized to access, receive, request, or use information from ILJAOC's FRS for a Valid Law Enforcement Purpose through its authorized individual users. Participating Agencies must sign the Participating Agency Agreement (Agreement) with ILJAOC regarding the use of the FRS and adopt internal policies and procedures for use of the FRS that are consistent with this policy.

Personally Identifiable Information (PII) – Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information, that is linked or linkable to a specific individual.

Probe Image – The facial or distinctive image of a scar, mark or tattoo, used by Facial Recognition software for comparison against a Known Image contained within the FRS. The Probe Image must be an image of an individual lawfully obtained pursuant to a criminal investigation. Examples of Probe Images include:

- Images captured from closed circuit TV cameras or security cameras
- Images captured from an ATM camera.
- Images provided by a victim or witness of a crime.
- Images gained from a criminal investigation determined to be evidence of identity (fraudulent bank card or photograph ID).

Repository – A location where a group of images of known individuals and biometric templates obtained and verified from the Orange County Automated Biometric Identification System through

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a law enforcement process are stored and managed. A Repository is utilized during a Facial Recognition search. A Repository may be referred to as a Digital Mugshot System (DMS) by other law enforcement agencies or groups.

Security Incident – An attempted breach; the attempted or successful unauthorized access or disclosure, modification, or destruction of Facial Recognition data in violation of any law or in a manner not permitted under this policy or the Agreement; or the attempted or successful modification or destruction of, or interference with, law enforcement operations in an information technology system that negatively impacts the confidentiality, availability, or integrity of Facial Recognition data.

Surveillance – Observation and collection of data to gather evidence.

Unsolved Image File – A lawfully obtained Probe Image of an unknown subject may be added by authorized law enforcement users to an unsolved image file pursuant to an authorized criminal investigation and if a search has produced no candidates and the subject remains unknown. Images in an unsolved image file are periodically compared with the Known Images in an image Repository.

Valid Law Enforcement Purpose – Facial Recognition is to be used for information/intelligence gathering, development, collection, use, retention, or sharing that furthers the authorized functions and activities of a law enforcement agency. These functions and activities may include preventing crime, criminal investigation, criminal intelligence, mitigating imminent threats, ensuring public safety, protecting public or private structures and property, identifying deceased persons or persons unable to identify themselves, and furthering officer safety while adhering to law and agency policy designed to protect the public.

600.2 POLICY

The policy of the ILJAOC is to utilize Facial Recognition technology as an investigative tool during investigations, reducing imminent threats to health or safety, or helping identify deceased persons or persons unable to identify themselves, while recognizing the established privacy rights of the public.

Facial Recognition technology involves the ability to examine and compare distinguishing characteristics of a human face through the use of biometric algorithms contained within a software application. California Penal Code § 13150 requires a subject's fingerprints and associated arrest data to be collected, stored, and reported to the California Department of Justice (DOJ) at the time of booking. This information is maintained in the Repository and used by authorized law enforcement personnel for Valid Law Enforcement Purposes. Facial Recognition technology can be a valuable investigative tool to detect criminal activity, reduce an imminent threat to health or safety, and identify deceased persons or persons unable to identify themselves. The ILJAOC has established access to and use of a Facial Recognition software to support investigative efforts to solve crimes. The software will be treated like any other Investigative Lead and shall not be used as a sole guarantee of identification, reasonable suspicion to detain, or probable cause to search or arrest.

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This policy provides the ILJAOC and law enforcement personnel with guidelines and principles for collecting, accessing, using, disseminating, retaining, and purging images and related information applicable to FRS. This policy will ensure that all Facial Recognition searches are conducted for a Valid Law Enforcement Purpose while not violating individuals' privacy, civil rights, and civil liberties. This Facial Recognition policy assists the Participating Agency and its personnel in:

(a) Increasing public safety and improving security.

(b) Minimizing the threat and risk of injury to the public.

(c) Minimizing the threat and risk of physical injury or financial liability to law enforcement and others responsible for public protection, safety, or health.

(d) Minimizing the potential risks to individual privacy, civil rights, civil liberties, and other legally protected interests.

(e) Protecting the integrity of criminal investigatory and justice system processes.

(f) Fostering trust by strengthening transparency, oversight, and accountability.

(g) Making the most effective use of public resources.

600.3 AUTHORIZED USE OF FACIAL RECOGNITION

Access to FRS will be provided only to those individuals from Participating Agencies who are authorized to have access for Valid Law Enforcement Purposes only.

All deployments of the FRS are for official use only and are law enforcement sensitive. All uses of the FRS will be performed on a need-to-know and right-to-know basis per Criminal Offender Record Information (CORI) regulations. Penal Code § 11105, defines who has access to CORI, and Penal Code §§ 11140 through 11144, establish the penalties for the improper use of CORI. Law enforcement agencies are required to abide by the most updated DOJ CORI rules, which can be found on the DOJ's website, as well as the Federal Bureau of Investigation's (FBI) most updated Criminal Justice Information Services (CJIS) Security Policy, which can be found on the FBI website. To the extent these laws, rules and policies may change, Participating Agencies shall take any action necessary to abide by such new laws, rules, policies, standards, or requirements relating to security or privacy of CORI or data within the FRS.

The provisions of this policy support the following authorized uses of Facial Recognition information:

(a) A reasonable suspicion that an identifiable individual has committed a criminal offense or is involved in or planning criminal conduct or activity that threatens any individual or the community.

(b) An active or ongoing criminal investigation.

(c) To mitigate an imminent threat to the health or safety of the community.

(d) To investigate or corroborate tips and leads related to criminal investigations.

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(e) For a person whom an officer reasonably believes is concealing their true identity and has a reasonable suspicion the individual has committed a misdemeanor or felony crime.

(f) To assist in the identification of a person who lacks the capacity or is otherwise unable to identify themselves, such as a person who is incapacitated, deceased, a danger to themselves or others, or otherwise at-risk, and only as a last resort after other traditional methods of identification have been unsuccessful.

600.4 PROHIBITED USES OF FACIAL RECOGNITION

Facial Recognition shall not be used in the following ways:

(a) To actively surveil members of the public through any camera or video device unless the person(s) are under an active criminal investigation or the Surveillance is in response to an imminent threat of life;

(b) On live stream video unless there is an imminent threat to life or at-risk individuals are involved;

(c) For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and Fourteenth Amendments;

(d) To prohibit or deter lawful individual exercise of other rights, such as freedom of association, implied by and secured by the U.S. Constitution or any other constitutionally protected right or attribute, or as a Probe Image(s) obtained from First Amendment Protected activity;

(e) For non-criminal purpose, except as defined in subsections IV(c) and (f) above, or purely administrative investigations;

(f) For harassing and/or intimidating any individual or group;

(g) For predictive analysis;

(h) For personal or non-law enforcement purposes. This includes the sharing or utilizing of any PII obtained from the FRS for any purpose beyond the underlying Valid Law Enforcement Purpose;

(i) To assess immigration status;

(j) To identify persons pursuing or exercising reproductive rights; or

(k) Any other access, use, disclosure, or retention that would violate applicable law, regulation, or policy.

600.5 CONSTITUTIONALLY PROTECTED EVENTS, ACTIVITY AND AFFILIATIONS

Facial Recognition must be used in accordance with all federal and state laws, this ILJAOC Policy, and all internal Participating Agency policies. The ILJAOC and all personnel with access to the FRS will not perform or request Facial Recognition searches about individuals or organizations that will violate any provision of the US Constitution, including the First, Fourth, and Fourteenth Amendments, and based solely on any of the following:

(a) Their religious, political, or social views or activities.

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(b) Their participation in a particular non-criminal organization.

(c) Their race, ethnicity, citizenship, place of origin, age, disability, gender, gender identification, sexual orientation, or other protected classification.

600.6 DATABASE AND DATA LIMITATIONS

(a) The Participating Agency will not maintain, utilize, or keep any database to conduct Facial Recognition searches and shall only use the ILJAOC Repository to conduct Facial Recognition searches.

(b) The Participating Agency will only utilize the ILJAOC countywide FRS to conduct Facial Recognition searches.

(c) No databases outside Orange County Automated Biometric Identification System, such as the California driver's license or open-source photo databases, or Automated License Plate Reader images, will be uploaded, accessible, or searchable in the FRS Repository.

(d) ILJAOC does not connect the FRS to any interface that performs live video Surveillance, including Surveillance cameras, drone footage, and body-worn cameras. The FRS will not be configured to conduct Facial Recognition analysis on live or recorded video.

600.7 DOCUMENTATION

Any authorized user from a Participating Agency must Log each access of the FRS. Each agency is required to maintain the Logs for their authorized employees and make them available to the Orange County Sheriff's Department Crime Laboratory (OCCL) for quality control and random auditing purposes. The Logs shall be retained per the Participating Agency's retention schedule.

The Logs must include the following information:

- The name, agency, and contact information of the law enforcement user
- The date and time of access
- Case number
- Probe Images
- The specific information accessed
- The Valid Law Enforcement Purpose
- Number of potential Candidate Images provided by the FRS
- Whether filters or enhancements were utilized, and if so, on which Probe Images.

With any possible match where an Investigative Lead is generated from the Facial Recognition software, the Facial Reviewer or investigator shall write a detailed report on the information they have obtained. The report by the Facial Reviewer must be attached to the criminal investigation report. This must be done even if possible matches are not deemed likely candidate matches or used in the criminal investigation, since the prosecuting agency must be provided with all

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investigatory actions taken, whether or not they generate an investigative lead (see Section X below).

It is strongly recommended that Probe and Candidate Images are peer reviewed when feasible for verification by other trained and authorized personnel. Participating Agencies are encouraged to review the quality of the information received from the FRS.

600.8 INVESTIGATIVE SEARCHES AND CANDIDATE IMAGES

(a) Probe Images will only be used from legally obtained sources.

(b) Before conducting a Facial Recognition search, Facial Reviewers will review, analyze and evaluate the quality and suitability of a Probe Image, including factors such as the angle of the face image, level of detail, illumination, size of the face image, and other factors affecting a Probe Image. It is recommended that the results of this process also be documented in the Logs.

(c) Upon determining the Probe Image(s) are suitable, the Facial Reviewer may process the Probe Image(s) to conduct a Facial Recognition search.

(d) Investigative searches shall only be conducted by trained Facial Reviewers.

(e) Only the minimum necessary amount of the Facial Recognition data required for Valid Law Enforcement Purposes may be accessed, copied, downloaded, or shared.

(f) Candidate Images which result from an investigative search are strictly defined as Investigative Leads. The ILJAOC considers the results, if any, of a Facial Recognition search to be advisory as an Investigative Lead only. Facial Recognition search results are not regarded as identification of a subject and do not, on their own, establish reasonable suspicion or probable cause without further investigation. Any possible connection or involvement of the subject(s) to the investigation must be determined through further investigative methods.

(g) The following statement shall accompany the most likely Candidate Image(s) and any related records:

> "ILJAOC is providing this information as a result of a Facial Recognition search, utilizing a Repository from criminal livescan records maintained by the Orange County Crime Lab and/or otherwise linked through a Participating Agency with the FRS. This information is provided only as an Investigative Lead and IS NOT TO BE CONSIDERED A POSITIVE IDENTIFICATION OF ANY SUBJECT. Any possible connection or involvement of any subject to the investigation must be determined through further investigation and lawful investigative resources."

600.9 SHARING FACIAL RECOGNITION INFORMATION

Information obtained from the FRS shall only be shared in accordance with the laws and policies governing CORI and as set forth in section IV above.

Participating Agencies and their members may only disseminate information obtained through the FRS to:

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- Other law enforcement agencies as permitted by this policy.
- A prosecutorial entity for use in a criminal matter to support a prosecution or disclose exculpatory information, in accordance with California statutory law and the California and Federal Constitutions. Any use of the FRS, regardless of the results and whether it results in an investigative lead, shall be disclosed to the prosecuting agency since failure to do may constitute a Brady violation.
- Personnel designated by a California or Federal Court in response to a court order.
- To authorized government or law enforcement agency for the purpose of quality control and auditing.

Facial Recognition Search information shall not be disclosed to unauthorized individuals or for unauthorized purposes. It may not be reproduced for secondary dissemination, transferred to, or shared with any other employing, licensing, or regulatory entity, or in response to a Public Records Act request.

The existence or nonexistence of Facial Recognition information should not be confirmed to any individual or agency that would not be authorized to receive the information unless otherwise required by law.

600.10 TRAINING

Participating Agencies' members who will be users of the Facial Recognition software and serve as Facial Reviewers must attend training prior to accessing the FRS. Investigative searches shall only be conducted by trained Facial Reviewers who are qualified to assess image quality and suitability for Facial Recognition searches and to perform one-to-many and one-to-one face image comparisons.

- Participating Agency personnel accessing the FRS shall have completed training provided by the FBI or ILJAOC, which shall meet the CJIS minimum training criteria for using an FRS.
- Facial Reviewers must attend the Facial Recognition Searches and Advanced Morphological Training through the Facial Recognition software vendor prior to utilizing the FRS.
- All users must also satisfy any additional training requirements for their respective Participating Agency.

All authorized users must also acknowledge the implementation of and their adherence to this Facial Recognition policy. A Participating Agency will provide its authorized users with a printed or electronic copy of this Facial Recognition policy in addition to the Participating Agency's own internal policy and require a written acknowledgment of receipt. All written acknowledgements should be retained by the Participating Agency for reporting purposes as required by law or requested by ILJAOC or OCCL.

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600.11 DATA QUALITY ASSURANCE

Original Probe Images will not be altered, changed, or modified in order to protect the integrity of the images. Any enhancements made to a Probe Image will be made on a copy, saved as a separate image, and should be documented in the Logs to indicate what enhancements were made, including the date and time of change.

The integrity of information depends on quality control and correction of recognized errors, which is key to mitigating the potential risk of poor-quality leads or inclusion of individuals as candidates.

Images in an Unsolved Image File should be validated periodically by the contributor to ensure that the criminal investigation remains active and that the image remains relevant to the investigation. If, in accordance with this policy, the contributor has not validated the need to retain the image in the Unsolved Image File, the image shall be immediately purged.

If a Participating Agency identifies malfunctions or deficiencies, including data that may be inaccurate or incomplete, incorrectly merged, out of date, or cannot be verified, it will notify the OCCL Biometric Program Administrator through electronic notification at BiometricAdmin@ocsheriff.gov. The OCCL will investigate in a timely manner alleged errors, malfunctions or deficiencies, including reviewing the Repository for the data identified by the Participating Agency and edit or remove the data, as appropriate. A record will be kept of all requests for correction and the results of the investigation.

The OCCL will similarly use written or electronic notification to inform all Participating Agencies when information within the Repository is deleted or changed by the OCCL because the information is determined to be inaccurate or incomplete, incorrectly merged, out of date, or cannot be verified.

600.12 GOVERNANCE

The Biometric Program Administrator of the OCCL has primary responsibility for the operation of the ILJAOC's FRS. The OCCL's Director will designate a Biometric Program Administrator who will be responsible for the following:

- Overseeing and administering the FRS to ensure compliance with applicable laws, regulations, standards, and policy.
- Acting as the authorizing official for individual access to Facial Recognition information.
- Ensuring that user accounts and access to use the FRS granted to Participating Agencies are maintained in a current and secure "need-to-know" status.
- Reviewing supporting documentation of FRS requests and results for quality assurance purposes to ensure reliability and accuracy.
- Ensuring that random evaluations of user compliance with system requirements and the Participating Agencies' Facial Recognition policies and applicable law are conducted and documented.

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- Confirming, through random audits, that Facial Recognition information is removed in accordance with this policy (see, e.g., Sections XII and XV) and to ensure compliance with applicable laws, regulations, standards, and policy.
- Identifying any potential gaps in the FRS and working with the vendor to make improvements and mitigate potential risks of the FRS process.
- Regularly auditing the documentation reflecting those personnel (including any authorized members from Participating Agencies who may make Facial Recognition search requests) meet all prerequisites stated in this policy prior to being authorized to use the FRS.

OCCL reserves the right to establish the qualifications and number of personnel having access to the FRS and to suspend or withhold service and deny access to any Participating Agency or Participating Agency personnel violating this policy.

600.13 AUDITS

All uses of the FRS and search requests are subject to audit by the DOJ, ILJAOC, and OCCL.

Audits by the OCCL will occur on a monthly basis to ensure lawful access and accuracy of data, and to prevent misuse. The OCCL Biometric Program Administrator will obtain necessary data from Facial Recognition software vendor's support desk to conduct a full and complete audit.

In the event of an audit, the Participating Agency is required to provide the necessary data to the OCCL Biometric Program Administrator, including all Logs and documentation required by this policy and documents that provide appropriate justification for using or requesting a Facial Recognition search. Appropriate justification shall include a situation description and purpose for the search, including a detailed account of circumstances amounting to reasonable suspicion, a case/complaint number, and a file class/crime type, if available.

In addition, Participating Agencies are encouraged conduct quarterly audits of their personnel access privileges to ensure inactive user accounts are disabled.

Participating Agencies' access to the FRS may be terminated by the OCCL if their authorized users violate the terms of this policy. Additionally, authorized users may be subject to additional discipline from their respective agencies for violation of their agency-specific policies. Moreover, other law enforcement agencies, including but not limited to State or Federal agencies, may independently pursue violations of the law.

600.14 SECURITY AND MAINTENANCE

Security Safeguards

Participating Agencies shall implement the security safeguards specified in Attachment A to the Agreement. Any conflict between this policy and the Agreement, or any ambiguity in the terms and conditions of this policy, shall be resolved in favor of the more stringent meaning that complies and is consistent with federal and state laws and regulations. Security safeguards cover any type of medium (printed or electronic) or technology (e.g., physical servers, virtual machines, and mobile devices) used associated or used with the FRS.

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The FRS utilizes secure internal and external security and privacy safeguards against network intrusions, such as strong multifactor authentication; encrypted communications; firewalls; and other reasonable physical technological, administrative, procedural, and personnel security measures to minimize the risks of unauthorized access to the system. Access to Facial Recognition information will be allowed only over secure networks. All results produced by Participating Agencies as a result of a Facial Recognition search should be disseminated by secured electronic means.

All Facial Recognition equipment, software, and components will be properly maintained in accordance with the manufacturer's recommendations, including routine updates as appropriate.

Breach or Security Incident

All individuals with access to the FRS will report a suspected or confirmed Breach or Security Incident to the OCCL Biometric Program Administrator as soon as possible and without unreasonable delay, consistent with applicable laws, regulations, policies, and procedures. This includes a Breach or Security Incident in any medium or form, including paper, oral, and electronic.

Pursuant to the requirements and procedures set forth in Attachment A to the Agreement, Participating Agency shall promptly investigate such Breach or Security Incident. ILJAOC and OCCL shall have the right to participate in the investigation or conduct their own independent investigation, and Participating Agency shall cooperate fully in any such investigation. Following the assessment of a suspected or confirmed Breach or Security Incident and as soon as possible, OCCL, in consultation with Participating Agency, will determine whether it requires notification to an affected agency or individual, in accordance with applicable laws, regulations, policies, and procedures.

Usernames and Passwords

Access to the FRS will be granted only to authorized users whose positions and job duties require such access and who have successfully complied with the requirements set forth by their Participating Agency. Usernames and passwords to the FRS are not transferable, must not be shared, and must be kept confidential.

If not enforced by the FR system, the Participating Agency must ensure that all users be issued a unique username for accessing Facial Recognition data. The username must be promptly disabled or deleted, or the password changed, upon the transfer or termination of an employee with knowledge of the password.

Passwords must be at least eight characters long and composed of characters from at least three of the following four groups from the standard keyboard:

- Upper case letters (A-Z)
- Lower case letters (a-z)
- Arabic numerals (0-9)
- Non-alphanumeric characters (punctuation, symbols)

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Passwords may not be a dictionary word or proper name, the same as the username, identical to the previous ten (10) passwords, or displayed when entered. Passwords shall expire within a maximum of 90 calendar days. They must not be stored in a readable format on the computer.

Image Removal

Occasionally, images are sealed with a court order or removed for a variety of legitimate reasons (e.g., duplicate, test, inappropriate). Such images will be removed by OCCL during audits or when directed to do so by a valid court order issued by a competent court of law. The OCCL's Biometric Program Administrator will obtain the necessary information from Facial Recognition software vendor's support desk. and notify all Participating Agencies and users of any removed image pursuant to this section that was previously returned as a Candidate Image in an FRS as soon as practical to protect the integrity of any investigations. All court orders regarding images to be sealed or removed should be forwarded to OCCL's Biometric Program Administrator.

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Extraditions

605.1 PURPOSE AND SCOPE

The criminal courts process requires appearances in the courtroom by a fugitive(s) involved with the case who may be in custody in jurisdictions outside of the State of California. This policy defines the process and procedure for the transport of a fugitive(s) by Orange County Sheriff's Department deputy sheriffs to and from other states for the purpose of appearing in court in California. This policy establishes procedures for the safe and secure transport of the fugitive(s) in custody, as well as for the safety of the deputies escorting the fugitive.

605.1.1 DEFINITIONS

Extradition: The surrender, by one nation or state to another, of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other, which being competent to try and punish the individual, demands the surrender.

Fugitive: An individual who is accused or convicted of a crime in one state and is later found in another state, regardless of the manner of or reason for the individual's departure from the first state. (New Mexico, ex rel. Ortiz v. Reed, 524 U.S. 151 (1998); Appleyard v. Massachusetts, 203 U.S. 222, 227 (1906).

605.2 POLICY

The Department shall provide safe, secure, and efficient extradition of fugitives to and from custody facilities outside of California. The Fugitive Warrants/Extraditions Unit shall oversee the processes that shall include travel planning and the National Law Enforcement Telecommunications System (NLETS) authorization process.

605.3 RULES AND PROCEDURES

605.3.1 FUGITIVE TRANSPORT

1. Fugitives shall not be permitted to influence, determine or know the travel itinerary.
2. Deputies shall be on alert for conversation between fugitives regarding escapes or other investigative leads concerning ongoing criminal investigations.
3. Fugitives are not allowed to possess or spend any money, checks, etc., while in transit. All prisoner funds and valuables shall be kept/stored away from the prisoner.
4. Fugitives shall not be allowed to smoke.
5. Fugitives shall not be allowed to speak to anyone except deputies, correctional officers, or other fugitives while in transit.
6. No medication shall be administered unless prescribed by a physician or as indicated by an institution.
7. Fugitives shall not be allowed to place telephone calls while in custody of deputies until they have reached the Orange County Jail.

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8. All vehicles utilized to transport fugitives shall be searched by the transporting deputies prior to and after each individual transport to ensure no weapons or contraband are present, nothing has been introduced into the confinement area, and the vehicle is in proper working order. This search shall be completed in a timely manner.
9. Two deputies are required to pick up one fugitive.
    (a) If it is a male fugitive, at least one male deputy must go. If it is a female fugitive, at least one female deputy must go.
    (b) At least one of the deputies needs to be patrol trained.
    (c) Should it become necessary for a third deputy to assist with the extradition due to safety concerns, the Commander overseeing the Fugitive Warrants/Extraditions Unit shall authorize that request.

605.3.2 EXTRADITION BY COMMERCIAL AND CHARTER AIR

1. Deputies required to carry a loaded firearm on-board any commercial aircraft must complete the Transportation Security Administration's (TSA) "Law Enforcement Officers Flying Armed" course prior to carrying loaded firearms on any commercial aircraft. This course satisfies the requirements of Title 49 CFR 1544.219 and Title 49 CFR 1544.221. See Policy 305 - Flying While Armed for further details.
2. Deputies shall notify the airline at least one hour in advance of their departure time or, in an emergency, as soon as possible. Deputies shall display their credentials and advise their travel is for escorting a fugitive.
3. Deputies shall identify themselves by their respective titles and notify the air carrier they are armed; this shall include the pilot(s) and flight crew.
4. Weapons SHALL NOT be surrendered to airline or airport security personnel when transporting fugitives or when flying enroute to pick up a fugitive.
5. Deputies shall inform the airline whether the fugitive is considered to be high risk or low risk. A high risk fugitive is considered an escape risk and/or violent.
6. Only one high risk fugitive per flight is allowable.
7. The Federal Aviation Administration permits use of restraints on fugitives while flying. Individual airlines should be contacted in regards to their respective policies.
8. A non-obtrusive restraint device is mandatory on all extraditions. Deputies shall not remove the restraint device while in transport and the fugitive shall be instructed to stay within arm’s reach of deputies at all times. Fugitives must sit in the last row next to the window on the airplane.
9. Aboard the aircraft, deputies should remain anonymous and care should be taken not to display any firearms. Care should also be taken to conceal the fact that the fugitive is in custody. A jacket or similar covering should be used to conceal the fugitive's restraints.
10. In the event of a delay, deputies shall make reasonable attempts to notify that jurisdiction’s responsible law enforcement agency of the delay and potential safety risk.

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11. The consumption of alcoholic beverages by deputies while on duty, armed or while transporting fugitives is strictly prohibited.
12. All deputies shall remain awake and alert at all times when flying armed or transporting fugitives.
13. In the event of a hijacking, no action shall be taken by deputies unless the pilot-in-charge requests intervention to restore flight safety. Each airline has procedures to follow in the event of a hijacking.

605.3.3 FUGITIVE CARE

1. If a fugitive needs medical attention while being transported by deputies, they shall be taken to the nearest medical facility that is available to the transporting deputies.
2. If temporary treatment of the medical problem can be accomplished in a timely manner, deputies shall stay with the fugitive and then continue on with the transport to the original destination without delay.
3. If the treatment of a fugitive becomes of such a nature as to cause his/her admission into a medical facility, deputies shall immediately call their supervisor(s) so that proper arrangements can be made as to the guarding of the fugitive, as well as to ensure proper medical attention is received.

605.3.4 AUTHORIZED RESTRAINTS

Fugitives being transported for an extradition shall wear Martin chains. Martin chains consist of both waist restraints and handcuffs.

605.4 CLOTHING ATTIRE

Deputies traveling out-of-state on extraditions shall wear appropriate attire as not to attract undue attention when accompanying fugitives. Weapons carried onboard aircrafts by deputies shall be concealed.

605.5 SCHEDULES AND WORK HOURS

If an extradition requiring travel east of the Mississippi River is requested, the extradition shall be considered a three working day trip, including travel (e.g. Monday, Tuesday, and Wednesday). Extraditions west of the Mississippi River shall be considered an overnight trip and will be considered a two working day trip, including travel. Each day shall be allotted ten (10) hours of pay, unless circumstances require additional hours be logged. An extradition to Hawaii or Alaska shall be considered a three working day trip.

605.6 DEPARTMENT PERSONNEL CONDUCT

Deputies shall conduct themselves in a professional manner when on or off-duty during an extradition in accordance with the Policies and Procedures of the Orange County Sheriff's Department.

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Informants/Sources of Information

608.1 PURPOSE AND SCOPE

In some instances, a successful investigation cannot be conducted without the use of Informants. In a custodial setting, Sources of Information present themselves to staff and will require proper handling. To protect the integrity of the Orange County Sheriff's Department and Members using Informants and Sources of Information, it shall be the policy of this Department to take appropriate precautions by developing sound policies.

Informants do not belong to an individual deputy or investigator, but they are agents of the Department and act on its behalf. As with any case management, it is important to maintain proper Informant management to ensure officer safety, proper legal and ethical standards, and to limit civil liability to the Department and the Informant handler.

Sources of Information are not agents of the Department and are not considered Informants. However, they still require documentation and tracking to ensure proper legal and ethical standards, and to limit civil liability to the Department.

608.1.1 DEFINITIONS

Informant: An Informant isany person who knowingly provides information to law enforcement related to another's criminal activity, whose motivations for doing so are other than that of an uninvolved witness, victim, or private citizen primarily acting through a sense of civic responsibility and who, as a general rule, but not necessarily, expects some form of benefit or advantage for himself, herself, or another person in return.

Source of Information (SOI): A Source of Information (SOI) is an inmate who provides information to law enforcement regarding criminal activity, or any non-criminal activity related to jail security; but has not been directed to do so by law enforcement, and, upon providing such information, the inmate has not requested or been offered, nor received any benefit or consideration in return for the information. An SOI is not an Informant, a victim or potential suspect.

Informant Consideration and Benefits: A benefit includes any consideration or advantage an Informant was offered, promised or received in exchange for information or testimony provided. It includes a benefit for the Informant or a benefit for another person at the Informant's request. Refer to section 608.3 for further information.

608.2 INFORMANT AND SOURCE OF INFORMATION FILE SYSTEMS AND STORAGE

Informant files generated by Members within the Special Investigations Bureau (North/South Narcotics, North/South GET and the Advanced Surveillance and Protection team), shall be maintained by the unit supervisor of the specific unit that generated the Informant file.

The North Narcotics Unit Supervisor shall be responsible for maintaining Informant files generated within the Transit Operations Division, Special Operations Division, North Operations Division, Criminal Investigations Bureau (excluding the Custody Intelligence Unit) and the Professional Services Command.

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The South Narcotics Unit Supervisor shall be responsible for maintaining Informant files generated within the Southeast Operations Division and Southwest Operations Division.

The Custody Intelligence Unit Supervisor shall be responsible for maintaining Informant and Source of Information (SOI) files generated within the Custody Operations Command.

A separate file shall be maintained on each Informant and SOI. These files shall be the complete set of records about the information provided by the Informant or SOI; shall enable review and evaluation of information given by the Informant or SOI; shall be available for discovery purposes when legal authority is provided; and shall minimize incidents that could be used to question the integrity of deputies/investigators or the reliability of the Informant or SOI. Informant and SOI files shall be maintained and locked in a secure area.

Access to Informant and SOI files shall be restricted to the Sheriff, the Undersheriff, the Investigations & Special Operations Command Assistant Sheriff, the Constitutional Policing Advisor, the Investigations Division Commander, the Special Investigations Bureau Captain, the Criminal Investigations Bureau Captain, the Special Investigations Unit Supervisors, the Custody Intelligence Unit Supervisors, and the Informant Handler or their designees. Members are prohibited from maintaining their own databases, files, and logs on SOIs and Informants.

608.2.1 FILE SYSTEM PROCEDURE

Each Informant file shall be coded with an assigned Informant Control Number (ICN). The Special Investigations Bureau Captain or the Criminal Investigations Bureau Captain shall assign the ICN from their respective Master Control Logs. An Informant packet shall be prepared to correspond to each Informant file. The Informant file shall contain the following:

(a) Informant Cover Sheet
(b) Informant Checklist
(c) Signed Approval to Operate Informant
(d) Informant Personal History
(e) Signed Informant Admonishment
(f) Signed Informant Agreement
(g) Signed Paid Informant Admonishment (If applicable)
(h) Informant Compensation Record (If applicable)
(i) Informant Receipt of Payment (If applicable)
(j) Informant Update/Yearly Audit
(k) Informant Performance Record
(l) Copy of Informant's criminal history (CII/FBI/warrant checks)
(m) DMV printouts to include driver's license, driver history, and vehicle registration
(n) Informant's photograph and fingerprints (If applicable)

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(o) Copy of Informant's arrest report (If applicable)

(p) Copy of the Orange County Informant Index card (DA-OCII). The original OCII card shall be forwarded to the to Orange County District Attorney's OCII Coordinator.

(q) Informant Activity Log

(r) Reports resulting from the Informant's work (If applicable)

(s) Consideration Letter (If applicable)

(t) Current Jail Management System documents related to the Informant, including any Jail Incident Reports, Classification Review Forms, and any grievances directly related to the inmate's Informant status (If applicable).

608.2.2 SOURCE OF INFORMATION

A Source of Information (SOI) is an inmate who provides information to law enforcement regarding criminal activity, or any non-criminal activity related to jail security; but has not been directed to do so by law enforcement, and, upon providing such information, the inmate has not requested or been offered, nor received any benefit or consideration in return for the information. An SOI is not an Informant, a victim or potential suspect. When an inmate is a potential SOI the following protocols shall be followed:

(a) Every instance in which a deputy is contacted by a potential SOI, the following admonishment shall be read:

"Your disclosure of any information to me is voluntary and completely of your own free will. You will not receive leniency as it pertains to your prior, current, or future cases. You will not receive any special privileges or compensation. Do you understand what I have read to you? Do you still want to talk to me?"

(a) The deputy shall document on an intra-departmental memo the admonishment was given and the inmate's response. All information provided by the SOI and the outcome of any action taken shall be included in the memo and addressed to the CIU Sergeant. This memo will be kept in the SOI's file. The Memorandum does not absolve the Member of their responsibilities to document the incident on the appropriate report.

(b) If the potential SOI agrees to voluntarily disclose information to the deputy without a benefit or consideration in return, then the deputy will debrief the inmate and preliminarily vet the information. If the information appears credible and the deputy wishes to act upon the information, they shall notify their immediate supervisor and the CIU Sergeant. The CIU Sergeant will begin the SOI documentation and approval process.

(c) No deputy will obtain information from a potential SOI who requests a benefit after being read the above admonishment. The CIU Sergeant will be notified if the individual chooses not to provide information unless they receive a benefit. The CIU Sergeant, in consultation with the Criminal Investigations Bureau Captain, will determine whether the person should be documented as an Informant in accordance with this policy.

(a) In all cases involving an SOI, the CIU Sergeant will confirm the SOI does not meet the definition of an Informant. If the SOI has a previous OCII entry, the SOI file will

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reflect the inmate's prior Informant status and handling law enforcement agency. The designation of an inmate as an SOI shall be reviewed by the Criminal Investigations Bureau Captain and, if there is any question about whether the inmate may meet the definition of an informant, the Criminal Investigations Bureau Captain will consult with the Orange County District Attorney's Office.

(b) A repeating SOI is an inmate who has voluntarily provided information a third time within the inmate's current incarceration period. If an inmate is a repeating SOI, the CIU Sergeant shall interview the inmate to determine if the inmate is seeking a benefit. The CIU Sergeant shall reiterate to the inmate that OCSD Policy prohibits promises or offers of consideration when inmates provide information to law enforcement. The CIU Sergeant shall document this interview in an internal memorandum and include it in the SOI file. The CIU Captain's audit of the SOI file shall confirm that the CIU Sergeant interviewed the repeating SOIs and the SOI file contains complete documentation and further action as necessary.

(c) If an SOI provides information regarding an exigent or quickly developing situation, staff may act upon the SOI's information to ensure the safety and security of a facility, staff, or inmates. Staff shall admonish the SOI and notify their immediate supervisor and the CIU Sergeant as soon as practical. Under no circumstances will a benefit be provided to an SOI.All SOI's will be issued a Source Control Number (SCN). This is a permanent number that is specific to the individual SOI and shall be used anytime an SOI is reactivated. The SCN consists of the letters SCN, followed by the last two digits of the current calendar year, a hyphen, and a sequential number (Example: SCN16-001). All SOI files will be maintained by the CIU Sergeant. The file will be tracked via the SCN.

(d) A copy of any Department Reports generated because of information provided by the SOI will be maintained in the SOI file.

(e) SOI files have a 99 year retention period, beginning on the date of inactivation. The transitory nature of the County Jail population requires OCSD to maintain consistency in the records derived from a particular inmate. If an SOI were released from OCSD custody and later returned to an OC Jail facility, their previous SCN number which is specific to the individual SOI, and their respective SOI file shall be reopened and updated with any additional and continuing information.

(f) The Criminal Investigations Bureau Captain shall audit all active SOI files quarterly. The audit will review all SOI records, confirm accuracy, and ensure all records are up to date within the SOI file. The audits will be documented on the SOI Quarterly Audit Form within the SOI file. For more information regarding this audit please refer to section 608.11.

(a) Annually, and no later than January 15th of the calendar year, the Criminal Investigations Bureau Captain shall provide the OCII Coordinator at the Orange County District Attorney's Office a list of all SOI files created in the preceding calendar year as part of the OCSD/OCDA Annual Informant/SOI Joint Audit. Any errors or omissions identified by OCSD or OCDA shall be corrected immediately. The Criminal Investigations Bureau Captain will provide audit results, deviations from policy (if

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any), and areas for improvement identified (if any) to the Division Commander of Investigations.

608.2.3 FILE SYSTEM PROCEDURE FOR SOURCES OF INFORMATION (SOI)

Each SOI file shall be coded with an assigned Source Control Number (SCN). The Criminal Investigations Bureau Captain shall assign the SCN from the Master Control Log. An SOI history shall be prepared to correspond to each SOI file. The SOI file shall contain the following:

(a) SOI Cover Sheet

(b) SOI Approval Form

(c) SOI Quarterly Audit Form

(d) SOI's Booking Photograph

(e) Copy of SOI's criminal history (CII/FBI/warrant checks)

(f) Copy of the Orange County Sheriff's Department Source of Information Card. The original SOI card shall be forwarded to Orange County District Attorney's Office upon creation of the SOI file.

(g) SOI Memo (to include admonishment)

(h) All reports resulting from the information provided by the SOI

(i) SOI Activity Log

(j) Current Jail Management System documents related to the SOI, including any Jail Incident Reports, Classification Review Forms, and any grievances directly related to the inmate's SOI status (If applicable)

608.3 USE OF INFORMANTS

Prior to approval supervisors will consider the suitability of the informant. Informants may not be suitable due to their criminal history. Those serious offenses involving violence or sex crimes, etc. should be considered before approval to avoid compromising an investigation or embarrassing the Department. Before using an individual as an Informant, the Informant packet must be completed and approved by the proper Special Investigations Unit Supervisor or Custody Intelligence Unit Supervisor, and the Special Investigations Bureau Captain or the Criminal Investigations Bureau Captain. In the event a new, unsigned Informant can provide information or assistance crucial to a quickly developing investigation, the Informant packet shall be completed as soon as practical. However, unit supervisor approval is required. An OCII card shall be submitted to the Orange County District Attorney's Office for all Informants at the first possible opportunity, but no later than five business days from the date the Informant Admonishment and Informant Agreement forms are signed by the Informant.

608.3.1 TYPES OF INFORMANTS

Defendant Informant: A Defendant Informant is an Informant who has a pending criminal matter, including probation and/or parole violations; or who awaits sentencing after conviction; or is serving a custodial sentence; or is on probation or parole. A Defendant Informant acts under the specific

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direction of law enforcement to secure information and/or may have been offered, promised, or provided a benefit or any type of consideration for the information he/she provides.

In-Custody Informant: An In-Custody Informant is "a person, other than a co-defendant, percipient witness, accomplice, or co-conspirator whose testimony is based upon statements made by the defendant while both the defendant and the Informant are held within a correctional institution." Penal Code sections 1127a, 1191.25 and 4001.1 govern their use.

Paid Informant: A Paid Informantis an out of custody individual, excluding a Defendant Informant, who receives any form of consideration from law enforcement in return for information regarding criminal activity.

Accomplice Informant: An Accomplice Informant is an Informant who has a pending criminal matter and provides information about one or more co-defendants in return for a benefit or consideration in the pending criminal matter.

608.4 INFORMANTS REQUIRING SPECIAL REVIEW

Some persons being considered for use as Informants may require special review for approval before being activated. These include juveniles, persons on probation or parole, or those who hold privileged positions, e.g., attorneys, doctors, clergy, reporters, persons in the Witness Protection Program and former law enforcement officers.

Persons on probation or parole present specific concerns. The Department cannot place a probationer or parolee in a position that violates the terms or conditions of their probation or parole. The Department has no authority to override the conditions set forth by a court or the authority of the controlling agency.

Guidance from the Constitutional Policing Advisor, County Counsel and the Orange County District Attorney's Narcotics Enforcement Team should be sought when persons of privileged status are being considered for use as Informants.

608.4.1 INFORMANTS ON COUNTY PROBATION

The handling deputy/investigator shall determine if the person is on Summary (Informal) Probation or Formal Probation. If the person is on Formal Probation the handling deputy/investigator shall do the following:

(a) Contact the court or probation officer to determine if the Informants use will not violate the conditions of their probation;

(b) Document the concerns if notification will jeopardize a major case investigation.

If the use of the Informant is in conflict with the terms of their probation, the handling deputy/investigator can attempt to amend the terms of probation through the court. If the court requests written documentation, the handling deputy/investigator shall submit the request on Department letterhead with the proper Departmental approvals. A request should be made with the court to refrain from placing a copy of the letter in the probationer's file to preserve the confidentiality of the Informant.

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608.4.2 INFORMANTS ON FEDERAL PROBATION
The handling deputy/investigator shall contact the person's probation officer. Federal probationers can only be used as Informants when the court of jurisdiction has been formally contacted and approved for use. A formal request to use a federal probationer as an Informant shall be made on Department letterhead with the proper Departmental approvals. If the request is approved, the probation officer shall complete and submit the necessary paperwork to the concerned federal court for approval.

608.4.3 INFORMANTS ON STATE PAROLE
The handling deputy/investigator shall contact the appropriate state agent to request to use the parolee as an Informant. The name of the agent contacted shall be documented on the Informant History form. If a written request is made by the agent, the handling deputy/investigator shall submit the request on Department letterhead with the proper Departmental approvals, describing in general details the activity in which the parolee will be used, the duration of use and any anticipated travel.

608.4.4 INFORMANTS ON FEDERAL PAROLE
Currently, the United States Parole Commission discourages the use of federal parolees as Informants. If the use of a federal parolee is essential in a major case, the Assistant Sheriff commanding the Investigations & Special Operations Command shall submit a written request to the Chairperson of the United States Parole Commission for the use of that Informant. If the Commission approves the request, the Informant may be used for only 90 days. Extensions may only be requested by the Assistant Sheriff through the Commission.

608.4.5 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 Section 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 Section 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.

608.5 GUIDELINES FOR HANDLING INFORMANTS
All Informants are required to sign and abide by the provisions of the Department Informant Admonishment form. The deputy/investigator using the Informant shall discuss each of the provisions of the Admonishment form with the Informant. No personnel assigned to Custody Operations shall handle informants.

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Members of the Department shall not make any promises or representations, express or implied, to any Informant regarding his or her pending criminal matters, or those of any other person(s), without the concurrence of the OCII Coordinator.

608.5.1 RELATIONSHIPS WITH INFORMANTS

No Member of the Orange County Sheriff's Department shall knowingly maintain a social relationship with an Informant while off duty, or otherwise become intimately involved with an Informant. Members of the Orange County Sheriff's Department shall neither solicit nor accept gratuities nor engage in any private business transaction with an Informant.

To maintain officer/Informant integrity, the following must be adhered to:

(a) Deputies/investigators 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 police officers, or employees of the Orange County Sheriff's Department and that they shall not represent themselves as such;

(e) The relationship between deputies/investigators 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 appropriate Special Investigations or Custody Intelligence Unit Supervisor. They shall not meet with an Informant while off-duty;

(g) Deputies/investigators shall not meet with Informants unless accompanied by at least one additional deputy/investigator or with prior approval of the appropriate Special Investigations or Custody Intelligence Unit Supervisor;

(h) In all instances when Department funds are paid to Informants, a voucher shall be completed in advance itemizing the expenses.

608.6 INFORMANT CONSIDERATION AND BENEFITS

Any and all benefits and consideration given to an Informant will be recorded and documented in the Informant's file.

Consideration and benefits include, but are not limited to, the following:

(a) Financial – Monetary payments of any kind including, but not limited to, room and board, payment of debts, cash, meals, use of vehicles, cell phone bills or other Informant expenses.

(b) Release from custody – Leniency in an arrest or booking, assistance with an own-recognizance (OR) release or request for a lowering of bail.

(c) Charging leniency – Leniency shown in the filing of charges and enhancements, including the non-filing of charges.

(d) Delay – Continuances in arraignment, pre-trial motions and sentencing.

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(e) Disposition – Dismissal or reduction in charges, custody time, probation terms or favorable input by a deputy district attorney or investigation deputy/investigator made directly to the court.

(f) Favorable intervention – Favorable action taken on behalf of the Informant with other governmental agencies, such as the Department of Motor Vehicles, the Department of Homeland Security, or employers.

(g) In custody – A change in housing location, non-collect phone calls, extended visits, extra jail issue, extra food or placing money in an Informant's jail account.

(h) Immunity

608.6.1 INFORMANT PAYMENT PROCEDURES

The payment of money to any Informant must be done in accordance with the law and Department policy. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.6.2 PAYMENT FORMULA

The amount of funds to be paid to any Informant shall be evaluated against the following criteria:

(a) The extent of the Informant's personal involvement in the case.

(b) The significance, value or effect on crime.

(c) The amount of assets seized.

(d) The quantity of the drugs seized.

(e) The Informant's previous criminal activity.

(f) The level of risk taken by the Informant.

(g) The Informant's history of providing detailed, reliable information related to major criminal investigations.

(h) The Informant's future potential as it relates to deeper infiltration into crime groups and the collection of information significant to the successful outcome of continuing investigations.

The Informant Handler shall discuss the above factors with the appropriate Special Investigations or Custody Intelligence Unit Supervisor and arrive at a recommended payment. The fee paid to an Informant shall be based on the type of information given and to what extent the information given assists in an investigation.

608.6.3 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for Informants. No Informant shall be told in advance or given an exact amount or percentage for services rendered.

When both assets and drugs have been seized, the Informant shall receive payment based upon their overall assistance in the investigation. Under no circumstances shall any payments to an Informant be contingent upon the conviction or punishment of any individual. An Informant may receive a cash amount for each quantity of drugs seized and a percentage of the value of

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assets seized, to include currency, not to exceed ten (10) percent, unless there are extenuating circumstances and prior approval is given.

608.6.4 PAYMENT PROCESS
Fees paid to Informants and expenditures incurred during investigations shall comply with the following limitations and authorizations.

Informant fee limits:

$1 - $500: Special Investigations or Custody Intelligence Unit Supervisor approval

$501 - $1,500: Special Investigations Bureau Captain approval or Criminal Investigations Bureau Captain approval

$1,501 - $3,500: Investigations Division Commander approval

$3,501+: Investigations & Special Operations Command Assistant Sheriff approval

To complete the Informant payment transaction, the Informant Handler and witness shall pay the Informant. The Informant shall sign the Receipt of Payment form indicating the amount received, the date received and the names of the deputies/investigators he/she received the funds from. The Informant Handler and witnessing deputy/investigator shall sign the Receipt of Payment form. The signed form shall be placed in the Informant's file.

Upon payment to the Informant, the Informant Handler shall complete an expense voucher. The Informant Handler shall write the voucher number on the Informant Payment Receipt form. The voucher copies shall be disbursed in the proper manner and the Informant Payment Receipt form shall be placed in the Informant file.

If the payment amount exceeds $500.00, a statement of the Informant's involvement in the case shall be memorialized on an Internal Memorandum, addressed to the Special Investigations Bureau Captain or the Criminal Investigations Bureau Captain, and placed in the Informant's file.

Each Informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

608.7 INACTIVATING INFORMANTS

Informants may be inactivated at any time. There are several reasons detailed in the Informant Update form. When the handling deputy/investigator determines the Informant should be inactivated, he/she shall submit an Informant Update form stating the reason and submit it to the appropriate Special Investigations or Custody Intelligence Unit Supervisor for review. Once reviewed, the unit supervisor shall forward the file to the Special Investigations Bureau Captain or Criminal Investigations Bureau Captain. If approved by the Bureau Captain for inactivation, the unit supervisor shall place the Informant file into the "inactive" file. Inactive files shall be retained for a period of 99 years.

When the handling deputy/ investigator suspects that an Informant is undesirable or unreliable, the handling deputy/ investigator shall complete the Informant Update form checking the unreliable

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box stating the reason, then submit it to the appropriate Special Investigations or Custody Intelligence Unit Supervisor for review. Once reviewed, the unit supervisor shall forward the file to the Special Investigations Bureau Captain or Criminal Investigations Bureau Captain. If approved by the Bureau Captain for inactivation, the unit supervisor shall place the Informant file into the "undesirable/unreliable" file.

The handling deputy/investigator should then notify the Informant as to their change in status and make it clear to the Informant he/she shall no longer be providing services to the Department. In all cases, the OCII Coordinator at the District Attorney's Office shall be notified whenever an Informant is classified as undesirable and/ or unreliable. Additionally, if an Informant was used in a criminal case that was filed by the District Attorney's Office and it was later determined the Informant was untruthful and/ or unreliable, the handling Deputy District Attorney on the criminal case shall be notified.

608.8 NOTIFICATION AND INFORMATION SHARING WITH THE DISTRICT ATTORNEY'S OFFICE

It is essential that deputies and/or investigators inform the District Attorney's Office when a case involves an Informant or an SOI in any capacity. This is vital in order to ensure the proper evaluation of discovery and any Brady material at the earliest possible time, to determine the best effective filing strategy, and to preserve the integrity of the criminal prosecutions within Orange County. (**Brady v. Maryland** (1963) 373 US 83, 87). The case agent is responsible for notifying the OCII Coordinator if their case involved an SOI or Informant. Additionally, the case agent is responsible for notifying the OCII Coordinator of any potential exculpatory information. For example, if an Informant is related to a criminal matter, the prosecutor may consider such information when making a filing determination to better protect and ensure the confidentiality of the Informant. Also, if an Informant or SOI is related to a criminal matter, the prosecutor will need to request all appropriate discovery materials under federal, state, and statutory laws to meet their obligations as part of the prosecution team.

To assist in protecting the integrity of the Orange County criminal justice system and fulfilling OCSD's constitutional and ethical obligations, OCSD shall notify OCDA of any Informants or Sources of Information by providing OCDA with the OCII card or the SOI card. OCII cards shall be submitted to the Orange County District Attorney's Office at the first possible opportunity, but no later than five business days from the date the Informant Admonishment and Informant Agreement forms are signed by the Informant. SOI cards shall be submitted to the Orange County District Attorney's Office at the first possible opportunity, but no later than five business days from the date the SOI provides information. OCSD shall notify OCDA whether an Informant had previously provided information in a custody setting as an SOI. The respective Informant and SOI files will include all relevant materials regarding the specific cooperating individual in possession of OCSD.

In the event OCDA receives an SOI notification from OCSD where the individual has been previously entered into the OCII database due to a submission from another law enforcement agency, OCDA shall notify the Captain of the Criminal Investigations Bureau of the OCII

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submission and the identity of the submitting law enforcement agent and agency The Captain of the Criminal Investigations Bureau will document the information received in the SOI file.

The OCSD/OCDA Annual Informant/SOI Joint Audit will be conducted to ensure compliance with the relevant policies of both agencies. For more information regarding this audit please refer to sections 608.2.2(11), 608.10, and 608.11, and to the Orange County Sheriff's Department and Orange County District Attorney's Office Memorandum of Understanding Regarding Custodial Informants and Sources of Information.

608.9 IN-CUSTODY INFORMANT-SCREENING

When a deputy has contact with an inmate who expresses a desire to be an Informant, the following protocols shall be followed:

(a) Refer the inmate's request/information to the Custody Intelligence Unit (CIU). The CIU Sergeant will evaluate the request based on safety, security and the credibility of the information to be provided. The Criminal Investigations Bureau Captain will consult with the Investigations Division Commander and Executive Command.The Sheriff must approve the decision to utilize an Informant within the jail prior to the use of an Informant. In the event the Sheriff is unavailable, and approval is immediately required due to an exigent situation, then the Undersheriff may approve the use of the Informant. In that case, the Undersheriff must notify the Sheriff at the earliest possible opportunity.

(b) If the information is determined to best benefit an OCSD investigative detail or outside agency, the CIU Sergeant will forward the information, once vetted, to the appropriate OCSD detail or outside agency.

(c) If the information is jail-related and it is determined CIU personnel should manage the Informant, CIU shall coordinate with the Orange County Informant Index (OCII) Coordinator to determine eligibility for consideration, in conjunction with OCDA's Cooperating Informant Review Committee (CIRC) approval, prior to using the Informant.

(d) In the event a new, unsigned Informant can provide information or assistance crucial to a quickly developing investigation, the Informant packet shall be completed as soon as practical. However, unit supervisor approval is required. An OCII card shall be submitted to the Orange County District Attorney's Office for all Informants.

(e) Any time an Informant is used in the jail, the Custody Intelligence Unit Supervisors will ensure the use of the Informant does not involve eliciting information from a person regarding any of his or her pending criminal case(s).

608.10 INFORMANT AUDITS

An audit of active Informant files shall be performed on a yearly basis by the Special Investigations Bureau Captain and the Criminal Investigations Bureau Captain. These audits are in addition to the OCSD/OCDA Annual Informant/SOI Joint Audits. The unit Supervisors shall obtain all updated material and information from the deputies and investigators who manage the Informants. The unit Supervisor shall review the material for completeness and thoroughness prior to the audit and sign the Informant Update Sheet. The approved form and material shall be forwarded to the Special

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Investigations Bureau Captain or the Criminal Investigations Bureau Captain for approval. The respective Bureau Captain shall place the update form and material into the Informant packet file.

Information/action to be included in the yearly audit shall include:

(a) Informant Update Form;

(b) Updated copy of criminal history (CII/FBI/ warrant checks);

(c) Updated copy of DMV inquiries to include driver's license, driving history and vehicle registration;

(d) Informant Performance Record;

(e) Informant Compensation Record and Receipt of Payment Form;

(f) Copy of Letter(s) of Consideration, if appropriate;

(g) New Informant photograph if older than two (2) years.

(h) New Informant Admonishment form (For informants active over 12-months)

(i) Supervisor's Annual Audit. This audit shall be conducted yearly on active Informants. The audit includes questions that shall be asked of each active Informant. Responses should be documented on the Audit form and maintained inside the Informant file.

(j) Updated jail management system documents (For Jail Informants)

Additionally, the Special Investigations Bureau Captain and the Criminal Investigations Bureau Captain shall provide the OCII Coordinator at the Orange County District Attorney's Office a list of all Informant files created in the preceding calendar year as part of the OCSD/OCDA Annual Informant/SOI Joint Audit. Any errors or omissions identified by OCSD or OCDA shall be corrected immediately. The respective Bureau Captain will provide audit results, deviations from policy (if any), and areas for improvement identified (if any) to the Division Commander of Investigations.

608.11 SOURCE OF INFORMATION AUDITS

All SOI files of inmates currently in-custody shall be audited on a quarterly basis by the Criminal Investigations Bureau Captain. Upon the SOI's release from custody, a final audit shall be completed. The unit Supervisor shall review the material in the file for completeness and thoroughness. Updated jail management system documents shall be added to the file. The CIU Supervisor and Criminal Investigations Bureau Captain shall sign the SOI audit form. SOI files will be retained for a period of 99 years from the date of inactivation. The Constitutional Policing Advisor, Assistant Sheriff of Investigations and Special Operations Command shall be notified of the completion of the quarterly SOI audits. The Criminal Investigations Bureau Captain will provide audit results, deviations from policy (if any), and areas for improvement identified. These audits are in addition to the OCSD/OCDA Annual Informant/SOI Joint Audits.

608.12 IN-CUSTODY OPERATIONS

In-Custody Operations including, but are not limited to, the placement of an undercover agent in a custodial setting (commonly referred to as a Perkins Operation) or covert audio/video recording, in most cases occurring within the Custody Operations Command. A covert audio/video recording

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may include, but is not limited to, any covert recording of a cell, dayroom, outdoor recreation area, etc. not involving an undercover agent. This does not include the covert recording of visits and phone calls.

a) Any Perkins Operation conducted by Members of the Orange County Sheriff's Department will be conducted within the guidelines of the Perkins Operations Program which is contained within the Special Investigations Bureau's Policy and Procedures Manual.

b) Any OCSD investigative unit wishing to conduct an In-Custody Operation within an Orange County Sheriff's facility will obtain prior approval from their chain of command, to include the Undersheriff and Sheriff, or his/her designee.

1. The deputy/investigator conducting the operation will be solely responsible for coordination with the District Attorney's Office and any other state, federal, or local agency.

2. At all levels of approval, Sheriff's Members will review the proposed operation to ensure it does not violate the inmate's Sixth Amendment rights, which prohibit the government from deliberately eliciting incriminating statements from the defendant after the Sixth Amendment right to counsel attaches. See Massiah v. United States, 377 U.S. 201 (1964). The Sixth Amendment right to counsel attaches when a criminal complaint is filed against the defendant or the defendant is indicted by the Grand Jury.

i. The Homicide Sergeant, in consultation with the Criminal Investigations Bureau Captain, will also review the proposed operation to ensure it is compliant with the law.

ii. If there are legal questions regarding the proposed operation, guidance will be sought from the Constitutional Policing Advisor, County Counsel and/or the District Attorney's Office.

iii. The Special Services Bureau Captain shall be notified of all In-Custody Operations prior to them starting. The Special Services Bureau Captain will be responsible for notifying the Custody Chain of Command, including the Commander of the respective facility.

3. A master department report (DR) number will be drawn for each operation.

4. Any inmate movement required to assist in the operation will be approved by the Undersheriff or his/her designee and documented in the jail management system.

5. The Homicide Sergeant will generate, update and maintain an In-Custody Operation file. The file will be kept in a secure location in the Homicide Sergeant's office. The file will include a copy of the executed In-Custody Operation agreement or approval letter, a copy of any operational plans, documentation of any and all movement generated by the operation and a copy of any and all reports generated by OCSD jail personnel as a result of the operation.

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6. The Homicide Sergeant will maintain a case log which will document the beginning and ending date and time of the operation.

7. The file will be maintained for a period of three years from the termination of the operation. If the operation leads to criminal charges or was conducted as part of a criminal investigation, the file will not be destroyed until the court proceedings and any appeal are final. The Homicide Sergeant will be responsible for confirming with the prosecutorial agency that the case is final adjudicated and that the defendant's appellate rights have expired.

c) Any outside agency requesting the assistance of the OCSD with an In-Custody Operation involving the use of a sworn undercover agent (Perkins Operation) will submit an In-Custody Operation Agreement to be reviewed by the CIB and SIB Captains of the Perkins Operation Program. The agreement will be reviewed and approved by the Assistant Sheriff of Investigations and Special Operations Command or his/her designee, the Undersheriff, and the Sheriff or his/her designee, prior to any action being taken by members of the OCSD. If the In-Custody Operation is approved, the outside agency shall abide by all terms and conditions of the agreement.

1. The agency conducting the operation will be solely responsible for coordination with the District Attorney's Office and any other state, federal, or local agency.

2. At all levels of approval, Sheriff's Members will review the proposed operation to ensure it does not violate the inmate's Sixth Amendment rights, which prohibit the government from deliberately eliciting incriminating statements from the defendant after the Sixth Amendment right to counsel attaches. See Massiah v. United States, 377 U.S. 201 (1964). The Sixth Amendment's right to counsel attaches when a criminal complaint is filed against the defendant or the defendant is indicted by the grand jury.

i. If there are legal questions regarding the proposed operation, guidance will be sought from the Constitutional Policing Advisor, County Counsel and/or the District Attorney's Office.

3. A master department report (DR) number will be drawn for each operation. Department members actively participating in the operation will document their role and involvement in the operation. All OCSD reports and evidence for the operation will be maintained under that DR.

4. Any inmate movement required to assist in the operation will be approved by the Undersheriff or his/her designee and documented in the jail management system.

5. The Homicide Sergeant will generate, update and maintain a Perkins Operation file. The file will be kept in a secure location in the Homicide Sergeant's office. The file will include a copy of the executed In-Custody Operation agreement or approval letter, a copy of any operational plans, documentation of any and all movement generated by the operation.

6. The file will be maintained for a period of three years from the termination of the operation. If the operation leads to criminal charges or was conducted as part of a criminal

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investigation, the file will not be destroyed until the court proceedings and any appeal are final. The Homicide Sergeant will be responsible for confirming with the prosecutorial agency that the case is final and that the defendant's appellate rights have expired.

d) Any outside agency requesting the assistance of the OCSD with the covert recording of any area within the Custody Operations Command will coordinate the operation with CIU. Prior to any action being taken the agency will obtain written approval from the Assistant Sheriff of the Investigations and Special Operations Command or his/her designee.

1. The agency requesting the covert recording will be solely responsible for coordination with the District Attorney's Office and any other state, federal, or local agency.

2. At all levels of approval, Sheriff's personnel will review the proposed operation to ensure it does not violate the inmate's Sixth Amendment rights, which prohibit the government from deliberately eliciting incriminating statements from the defendant after the Sixth Amendment right to counsel attaches. See Massiah v. United States, 377 U.S. 201 (1964). The Sixth Amendment right to counsel attaches when a criminal complaint is filed against the defendant or the defendant is indicted by the Grand Jury.

i. The CIU Sergeant, in consultation with the Criminal Investigations Bureau Captain, will also review the proposed operation to ensure it is compliant with the law.

ii. If there are legal questions regarding the proposed operation, guidance will be sought from the Constitutional Policing Advisor, County Counsel and/or the District Attorney's Office.

3. A master department report (DR) number will be drawn for each operation.

4. Any inmate movement required to assist in the operation will be approved by the Undersheriff or his/her designee and documented in the jail management system.

5. The CIU Sergeant will generate, update and maintain an In-Custody Operation file. The file will be kept in a secure location in the CIU Sergeant's office. The file will include a copy of the executed In-Custody Operation agreement or approval letter, a copy of any operational plans, documentation of any and all movement generated by the operation and a copy of any and all reports generated by OCSD jail personnel as a result of the operation.

6. The CIU Sergeant will maintain a case log which will document the beginning and ending date and time of the operation.

7. The file will be maintained for a period of three years from the termination of the operation. If any cases result from the operation, the file will not be destroyed until the court proceedings and any appeal are final. The CIU Sergeant will be responsible for confirming with the prosecutorial agency that the case is final and that the defendant's appellate rights have expired.

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U Visa and T Visa Certification Policy

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for U Visa certification (Form I-918, Supplement B) and T Visa certification (Form I-914, Supplement B).

609.2 INTRODUCTION

Under certain circumstances federal law allows temporary immigration benefits to victims and certain family members of victims of certain qualifying crimes (8 U.S.C. §1101 (a)(15)(U)). The purpose of the U Visa is to give victims of certain crimes temporary legal status and work eligibility in the United States for up to 4 years. To begin the process of applying for this benefit, a petition for a U Visa from the U.S. Citizenship and Immigration Services must be completed on DHS Form I-918 and be certified by the designated certifying officer.

Similar immigration protection, known as a T Visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). The purpose of the T Visa is give victims of certain crimes temporary legal status and work eligibility in the United States for up to 4 years. To begin the process of applying for this benefit, a petition for a T Visa from the U.S. Citizenship and Immigration Services must be completed on DHS Form I-914 and be certified by the designated certifying officer.

609.3 DEFINITIONS

Human Trafficking: “Severe forms of trafficking in persons” pursuant to Section 7102 of Title 22 of the United States Code and includes either of the following:

(a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.

(b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(c) Criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described above, and the attempt, conspiracy, or solicitation to commit any of those offenses.

Representative Fully Accredited by the United States Department of Justice: A person who is approved by the United States Department of Justice to represent individuals before the Board of Immigration Appeals, the immigration courts, or the Department of Homeland Security. The representative shall be a person who works for a specific nonprofit, religious, charitable, social service, or similar organization that has been recognized by the United States Department of Justice to represent those individuals and whose accreditation is in good standing.

609.4 ELIGIBILITY

Only eligible applicants may request and receive certification from the Department. An applicant may be a Direct Victim. A current investigation, the filing of charges and a prosecution or conviction

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are not required for the victim to request and obtain the Form I-918 Supplement B certification or the Form I-914 Supplement B certification from a certifying official.

609.4.1 QUALIFYING FOR A U VISA

To be eligible for a U Visa, victims must have suffered substantial physical or mental abuse due to a qualifying criminal activity, possess information concerning the qualifying criminal activity and be able to demonstrate they have been helpful, are being helpful or are likely to be helpful to law enforcement, prosecutors or other authorities in the investigation and that the crime occurred in the United States or violated the laws of the United States.

609.4.2 QUALIFYING FOR A T VISA

To be eligible for a T Visa, victims must be present in the United States as a result of being recruited, forced, abducted or deceived by the perpetrator of human trafficking and would not have been present in the United States if not for the action of the human trafficker and be able to demonstrate they have been helpful, are being helpful or are likely to be helpful to law enforcement, prosecutors or other authorities in the investigation, would suffer extreme hardship involving unusual and severe harm if removed from the United States. Minor children or persons unable to cooperate due to physical or psychological trauma may be exempt from cooperation.

609.4.3 DIRECT VICTIM

To be eligible as a Direct Victim, an applicant must meet the following criteria:

1. The applicant must be a victim of a qualifying criminal activity; and
2. The applicant must have been helpful, is being helpful, or is likely to be helpful to the detection, investigation or prosecution of that qualifying criminal activity. For purposes of determining helpfulness, there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection, investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by the Department.

Qualifying criminal activities include rape; torture; human trafficking; incest; domestic violence; sexual assault; abusive sexual assault; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slavery; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting; stalking; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.

A qualifying crime includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity listed above. For example, although not directly listed by title, crimes such as assault with a deadly weapon, assault causing great bodily injury, mayhem, and assault with caustic chemicals would be eligible as a "qualifying crime" for the purposes of this section since they are each types of felonious assaults.

An applicant may be considered a victim of witness tampering, obstruction of justice, or perjury, including any attempt, conspiracy, or solicitation to commit one or more of those offenses if:

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1. The victim has been directly and proximately harmed by the perpetrator of the witness tampering, obstruction of justice, or perjury; and
2. There are reasonable grounds to conclude that the perpetrator committed the witness tampering, obstruction of justice, or perjury offense, at least in principal part, as a means:
    (a) To avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring to justice the perpetrator for other criminal activity; or
    (b) To further the perpetrator's abuse or exploitation of or undue control over the petitioner through manipulation of the legal system.

The qualifying criminal activity(ies) must have violated the laws of the United States or occurred within the continental United States, Alaska or Hawaii, Puerto Rico, Guam and the U.S. Virgin Islands (including Indian country and military installations) or the territories and possessions of the United States (America Samoa, Bajo Nuevo, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Northern Mariana Islands, Palmyra Atoll, Serranilla Bank, and Wake Atoll).

Military installation means any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the Department of Defense, including any leased facility, or any other location under military control.

609.4.4 CERTIFYING AGENCY

The Orange County Sheriff's Department qualifies as a certifying agency.

609.4.5 CERTIFYING DEPUTY

The Commander of the Investigations Division is designated by the Sheriff as the certifying deputy of the Orange County Sheriff’s Department.

609.4.6 RECEIPT OF APPLICATIONS

1. Upon the request of the victim, victim’s family member, licensed attorney representing the victim (proof of representation should be requested), or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings (proof of accreditation should be requested),Commaner of the Investigations Division or their authorized designee shall certify victim helpfulness on:
    (a) Form I-918 Supplement B certification when the victim was a victim of qualifying criminal activity or
    (b) Form I-914 Supplemental B declaration when the victim was a victim of human trafficking.
2. Any application for U Visa or T Visa status should be forwarded in a timely manner to the Commander of the Investigations Division or their authorized designee to receive, complete, and process the U Visa or T Visa applications for the Department. Upon receipt of the application, the Commander of the Investigations Division or their authorized designee should:

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(a) Consult with the assigned investigator to determine the current status of any related case.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and confirm victim cooperation. The application for a U Visa or T Visa is discoverable under Cal. Penal Code § 1054.1 et. seq.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. A request for a Form I-918 Supplement B Certification or Form I-914 Supplement B declaration shall be processed within 30 days of request, unless the non-citizen is in removal proceedings, in which case the request shall be processed within 7 days of the first business day following the day the request was received.
2. A completed request must document victim helpfulness and include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity.
3. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
4. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).
5. Form I-918 and I-914 require an original signature, an electronic signature is not sufficient.

(d) 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.

(e) Inform the victim liaison of any requests and their status.

609.5 REPORTING TO THE LEGISLATURE

The Commander of the Investigations Division or their authorized designee shall report annually to the Legislature, the number of victims who requested Form I-914 Supplement B declarations, and/or Form I-918 Supplement B certification from the Department, the number of declaration/ certification forms that were signed, and the number that were denied. Such reports shall comply with Section 9795 of the Government Code.

609.6 RECEIPT OF REQUEST FOR A PATROL REPORT

Upon the request of a victim, victim's family member, a licensed attorney representing the victim (proof of representation should be requested), or a representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings (proof

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of accreditation should be requested), the Commander of the Investigations Division or their designee shall provide a copy of the police report involving the victim within 7 days of the request.

609.7 PROHIBITED DISCLOSURE

The Department is prohibited from disclosing the immigration status of a victim or person requesting the Form I-914 Supplement B declaration or Form I-918 Supplement B certification, except to comply with federal law or legal process, or if authorized by the victim or person requesting the Form I-914 Supplement B declaration.

609.8 WITHDRAWAL OF PREVIOUSLY APPROVED CERTIFICATION/DECLARATION

If, in the course of the investigation/prosecution a victim becomes uncooperative by refusing to provide information and assistance that has been reasonably requested, the Department may withdraw its previously submitted certification/declaration (See Form I-918 Supplement B Instructions, dated 4/24/19, at page 5 of 6; Form I-914 Supplemental B Instructions, dated 4/15/19 at page 3 of 4.).

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Cellular Site Simulator Usage & Privacy

610.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to cellular site simulator technology usage and privacy. Any changes to this policy - including authorized uses of the cellular site simulator technology by the Orange County Sheriff's Department - will be made in compliance with California Government Code Section 53166.

610.2 POLICY

It is the policy of the Orange County Sheriff's Department to respect the privacy rights and civil liberties of individuals and to follow the United States Constitution, including the First and Fourth Amendments, the California Constitution, and all applicable laws.

610.3 BASIS FOR POLICY

Government Code § 53166(b) requires all law enforcement organizations that use cellular communications interception technology, including cellular site simulator technology, to:

(a) Maintain reasonable security procedures and practices, including operational, administrative, technical and physical safeguards, to protect information gathered through the use of cellular communications interception technology from unauthorized access, destruction, use, modification or disclosure.

(b) Implement a usage and privacy policy to ensure that the collection, use, maintenance, sharing and dissemination of information gathered through the use of cellular communications interception technology complies with all applicable law and is consistent with respect for an individual's privacy and civil liberties. The usage and privacy policy shall be available in writing to the public, and, if the local agency has an internet website, the usage and privacy policy shall be posted conspicuously on that internet website. The usage and privacy policy shall, at a minimum, include all of the following:

1. The authorized purposes for using cellular communications interception technology and for collecting information using that technology.
2. A description of the job title or other designation of the employees who are authorized to use or access information collected through the use of cellular communications interception technology. The policy shall identify the training process and time period system audits.
3. A description of how the local agency will monitor its own use of cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws, including laws providing for process and time period system audits.
4. The existence of a memorandum of understanding or other agreement with another local agency or any 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.

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5. The purpose of, the process for, and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
6. 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 use only department-approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

610.4 HOW THE TECHNOLOGY WORKS

Cellular site simulator technology relies on the use of cellular site simulators. Cellular site simulators, as governed by this policy, function by transmitting as a cell tower. In response to the signals emitted by the simulator, cellular devices in proximity of the simulator identify it as the most attractive cell tower in the area and thus transmit signals to the simulator that identifies the device in the same way that they would a networked tower. **Cellular site simulator technology does not capture nor receive any content such as text messages, voicemails, applications, multimedia messages, etc. It does not have the capability of listening to phone calls.**

A cellular site simulator receives signals and uses an industry-standard unique identifying number assigned by a device manufacturer or cellular network provider to distinguish between the incoming signals until the targeted device is located. Once the cellular site simulator identifies the specific cellular device for which it is looking, it will obtain the signaling information relating only to that particular phone, rejecting all others.

When used in a mass casualty event, the cellular site simulator will obtain signaling information from all devices in the simulator's target vicinity for the limited purpose of locating persons in need of assistance or to further recovery efforts. Any information received from the cellular devices during this time will only be used for these limited purposes and all such information received will be purged at the conclusion of the effort in accordance with this policy. A mass casualty incident is a natural disaster such as an earthquake or fire; a terrorist attack; or any event resulting in imminent loss of life or injury.

610.4.1 INFORMATION OBTAINED

By transmitting as a cell tower, cellular site simulators acquire identifying information from cellular devices. As employed by the Orange County Sheriff's Department, this information is limited. Cellular site simulators employed by the Orange County Sheriff's Department will be limited to providing only:

(a) Azimuth (an angular measurement in a spherical coordinate system)

(b) Signal strength

(c) Device identifier for the target device when locating a single individual or all device identifiers when necessary, i.e. mass casualty event.

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Cellular site simulators do not function as GPS locators, as they will not obtain or download any location information from the device or its applications.

Cellular site simulators used by the Orange County Sheriff's Department shall not be used to collect the contents of any communication, in accordance with 18 U.S.C § 3121 (c).

Cellular site simulators employed by the Orange County Sheriff's Department shall not capture emails, texts, contact lists, images or any other data contained on the phone. In addition, the cellular site simulators shall not be used by the Orange County Sheriff's Department to collect subscriber account information (for example, an account holder's name, address or telephone number).

610.5 AUTHORIZED PURPOSES

The authorized purposes for using cellular communications interception technology and for collecting information using that technology are to:

(a) Locate missing persons

(b) Locate at-risk individuals

(c) Locate victims of mass casualty incidents

(d) Assist in felony investigations

(e) Apprehend fugitives

610.5.1 LEGAL AUTHORITY

Cellular site simulator technology may only be used by the Orange County Sheriff's Department with a search warrant or for an identified exigency, with a concurrent application for a search warrant whenever possible and no later than 72 hours after use. When using cellular site simulator technology to assist in an investigation, Sheriff's personnel may use cellular site simulators to help locate cellular devices whose unique identifiers are already known to law enforcement, or to determine the unique identifiers of an unknown device by collecting limited signaling information from devices in the simulator user's vicinity. Sheriff's personnel must make reasonable efforts to:

(a) Minimize the capture of signals emitted from cellular telephones used by people other than the target of the investigation.

(b) Must immediately destroy all data other than the data identifying the cellular telephones used by the target, such destruction must occur within seventy-two (72) hours after the data is captured, and the destruction must be evidenced by a verification provided to the Court with the return of the warrant.

(c) Prohibited from using the data acquired beyond that necessary to determine the cellular telephones used by the target.

When making any application to a court, members of the Orange County Sheriff's Department shall disclose appropriately and accurately the underlying purpose and activities for which an order or authorization is sought. Search warrants for the use of a cellular site simulator must include

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sufficient information to ensure that the courts are aware that the technology is being used. An application for the use of a cellular site simulator shall inform the court about how law enforcement intends to address the deletion of data not associated with the target phone.

If cellular site simulator technology is used based on exigency, then the above requirements will be met by applying for a search warrant concurrently with the use of the device whenever possible and no later than 72 hours after use. An exigency is defined as an emergency involving the danger of death or serious physical injury to any person.

Sheriff's personnel will make no affirmative investigative use of any non-target data absent further order of the court, except to identify and distinguish the target device from other devices.

610.6 JOB TITLES, DESIGNATIONS AND TRAINING REQUIREMENTS

The Orange County Sheriff's Department's cellular site simulator shall be operated and maintained by sworn members of the Orange County Sheriff's Department Technical Investigations Unit. Personnel shall be specifically trained in such technology and authorized for its use by the Orange County Sheriff or his designee. Such personnel shall be limited to designated Sheriff's sworn personnel unless otherwise authorized.

Training requirements for the above employees include completion of training by the manufacturer of the cellular site simulator interception technology or appropriate subject matter experts as identified by the Orange County Sheriff's Department. Such training shall include and follow applicable State and Federal laws. Personnel assigned to the Technical Investigations Unit at the time of the approval of this policy shall be trained by the manufacturer regarding use of the cellular site simulator. Prior to its use by subsequent personnel assigned to the Technical Investigations Unit, those personnel shall receive instruction by persons who were trained by the manufacturer.

The Technical Investigations Unit Supervisor will be designated the Cellular Site Simulator Program Coordinator ensuring compliance with all State, Federal laws and regulations.

610.7 AGENCY MONITORING AND CONTROLS

The Orange County Sheriff's Department will monitor its use of cellular site simulator technology to ensure the accuracy of the information collected and compliance with all applicable laws, including laws providing for process and time period system audits. Prior to approving use of the cellular site simulator, the Investigations Division Commander or their designee shall ensure that the proposed use complies with all applicable laws and this policy. The Investigations Division Commander or their designee shall conduct reviews every six months of all deployment logs for compliance with applicable laws and policy, and shall conduct any further audits required by law. The Investigations Division Commander, or their designee, shall ensure that process and time period system audits are conducted in accordance with the law and this policy.

610.7.1 DEPLOYMENT LOG

Prior to deployment of the technology, the use of a cellular site simulator by the Orange County Sheriff's Department must be approved by the Investigations Division Commander or their

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designee. Each use of the cellular site simulator device requires the completion of a log by the user. The log shall include the following information at a minimum:

(a) The name and other applicable information of each user

(b) The reason for each use

(c) The results of each use including the accuracy of the information obtained

610.7.2 ANNUAL REPORT

The Cellular Site Simulator Program Coordinator (sworn member) shall provide the Orange County Sheriff with an annual report that contains all of the above information. The report shall also contain the following information for the preceding 12-month period:

(a) The number of times cellular site simulator technology was used

(b) The number of times the Orange County Sheriff's Department used the cellular site simulator for another agency

(c) The number of times the equipment was deployed:

1. Locate missing persons
2. Locate at-risk individuals
3. Locate victims of mass casualty incidents
4. Assist in felony investigations
5. Apprehend fugitives

(d) The effectiveness of each deployment

610.8 INTER-AGENCY COOPERATION

Any request from an outside agency to use the Orange County Sheriff's Department's cellular site simulator must be approved by the Investigations Division Commander or their designee. Prior to the device being used on behalf of the requesting agency, there must be a written agreement between the requesting agency and the Orange County Sheriff's Department. The requesting agency must agree to adhere to this policy, which shall be provided to them. The cellular site simulator will be operated by trained sworn members of the Orange County Sheriff's Department. No outside agency members shall operate the cellular site simulator.

Upon approval, the cellular site simulator will be utilized for the requesting agency pending availability and only under the following incidents:

(a) Locate missing persons

(b) Locate at-risk individuals

(c) Locate victims of mass casualty incidents

(d) Assist in felony investigations

(e) Apprehend fugitives

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Should there be simultaneous requests from outside agencies to utilize the cellular site simulator, the Investigations Division Commander or their designee will determine which agency incident has priority.

610.9 SHARING OF INFORMATION

The Orange County Sheriff's Department will share information gathered through the use of cellular site simulator technology with other law enforcement agencies that have a right to know and a need to know the information requested. A right to know is the legal authority to receive information pursuant to a court order, statutory law or case law. A need to know is a compelling reason to request information such as direct involvement in an investigation.

Information will be shared only with a written agreement with the agencies and in accordance with a lawful purpose and limited to a court order, search warrant or identified exigency on the part of the agency. The Orange County Sheriff's Department will not share information outside of the legal parameters necessary for the lawful purpose. All requests for information shall be reviewed by the Cellular Site Simulator Program Coordinator or other individual as designated by the Orange County Sheriff.

The agency with which the information is shared ("recipient agency") shall be designated as the custodian of such information. The recipient agency shall be responsible for observance of all conditions of the use of the information including the prevention of unauthorized use, retention of information and destruction of information.

610.10 RETENTION AND DISPOSAL OF INFORMATION

Captured data may be kept as evidence for use in a felony criminal investigation only when specifically authorized in a search warrant and in accordance with applicable state laws regarding search warrants and electronic information. Any storage of this information shall be documented in a departmental report by the case agent.

In all other circumstances where captured data is not evidence nor specifically authorized by a search warrant, the Orange County Sheriff's Department shall destroy all information intercepted by the cellular site simulator equipment as soon as the objective of the information request is accomplished in accordance with the following:

(a) When the cellular site simulator equipment is used to locate a known cellular device, all data shall be deleted upon locating the cellular device and no fewer than once daily for a known cellular device.

(b) When the cellular site simulator equipment is used in a search and rescue operation, all data must be deleted as soon as the person or persons in need of assistance have been located, and in any event no less than once every ten days.

(c) The deletion of data must be evidenced by a verification provided to the Court with the Return to Search Warrant.

(d) Prior to deploying the cellular site simulator equipment for a subsequent operation, personnel will ensure the equipment has been cleared of any previous operational data.

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(e) No data derived or recorded by cellular site simulator software or equipment will be stored on any server, device, cloud-based storage system or in any capacity.

(f) It is not likely, given the limited type of data cell-site simulators collect (as discussed above), that exculpatory evidence would be obtained by a cell-site simulator in the course of criminal law enforcement investigations. As in other circumstances, however, to the extent investigators know or have reason to believe that information is exculpatory or impeaching they have a duty to memorialize that information.

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Disclosing Potential Brady Information to the Prosecution

613.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory, favorable or impeachment information to a prosecuting attorney.

613.1.1 DEFINITIONS

Definitions related to this policy:

***Brady* information:** Information known or possessed by the Orange County Sheriff-Coroner Department that is both favorable and material to the current prosecution or defense of a criminal defendant. In a landmark decision, *Brady v. Maryland,* 373 U.S. 83 (1963), the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant. Such evidence may either directly impact the issue of guilt or innocence or impeach, i.e., undermine the credibility of a prosecution witness.

Moral turpitude: Acts of dishonesty and untrustworthiness.

Material: Evidence is "material" if there is a reasonable probability that the result of the trial would have been different had the evidence be disclosed.

Sustained Finding: 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 Sections 3304 and 3304.5 of the Government Code, that the actions of the peace officer were found to violate law or department policy.” Penal Code § 832.8(b).

613.2 POLICY

The Orange County Sheriff-Coroner Department 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 Orange County Sheriff-Coroner Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory, or impeachment information, as provided in this policy. The determination of what constitutes *Brady* material that must be disclosed to the defendant is a legal determination that must ultimately be made by the prosecutor or the court handling the case.

613.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Personnel must include in their 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 member of this Department learns of potentially incriminating or exculpatory information any time after submission of a case, the member must prepare and

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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 protected personnel information, the member shall discuss the matter with a supervisor to determine the appropriate manner in which to proceed.

If a member is unsure whether evidence or facts are material, the member shall address the issue with a supervisor without undue delay. Determining whether evidence or facts are material often requires legal or even judicial review.

Supervisors who are uncertain about whether evidence or facts may be material should address the issue in a written memo to an appropriate prosecutor. Employee personnel information shall not be included in the memo. A copy of the memo should be retained in the Department case file.

613.4 REVIEWING POTENTIAL BRADY ISSUES

(a) Sustained Finding: If, following a personnel investigation, an employee has a sustained finding of untruthfulness, bias, excessive force, or it has been determined the employee engaged in an act of moral turpitude, the Internal Affairs Lieutenant will send the information in a written memorandum to the Constitutional Policing Advisor. The Constitutional Policing Advisor will then convene the three member review panel, which will consist of a representative from Executive Command, the Constitutional Policing Advisor, and a representative from County Counsel.

The written memorandum shall include the name of the employee, the date the information was received, and the nature of the information. The memorandum shall include any relevant source documents that are available that bear on the decision.

(b) Not-Sustained Finding: If, following a personnel investigation, a charge of untruthfulness, bias, excessive force or an act of moral turpitude against the employee was "not sustained", meaning the investigation failed to discover sufficient evidence to clearly prove or disprove misconduct on the part of the employee, the Internal Affairs Captain will send the information in a written memorandum described in subsection (a) to the Constitutional Policing Advisor.

(c) The Internal Affairs Captain will notify the employee at the conclusion of a personnel investigation if there will be notification to the Constitutional Policing Advisor. The employee may elect to have their representative provide relevant case law or legal analysis to the Constitutional Policing Advisor within 20 calendar days.

(d) If a charge of untruthfulness, bias, excessive force, or an act of moral turpitude is pending against the employee and the employee resigns or retires before the personnel investigation is completed or the employee is still active and likely will be called as a witness in a criminal case before the personnel investigation can be completed, the Internal Affairs Captain will send the information in a written memorandum described in subsection (a) to the Constitutional Policing Advisor. If a charge of untruthfulness, bias, excessive force, or an act of moral turpitude pertains to an employee's involvement in a pending criminal case, the Internal Affairs Captain will instead send the information, as soon as the Captain becomes aware of the charge, to the Commander of the SAFE Division. The Commander of the SAFE Division shall notify the employee and

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the Assistant District Attorney in charge of Special Prosecutions at the Orange County District Attorney's Office (hereinafter "Assistant District Attorney") or prosecuting attorney from an agency other than the Orange County District Attorney's Office as provided in section 613.5, subdivision (b).

(e) The three member review panel, defined in 613.4(a), will examine and discuss the information provided by the Internal Affairs Captain. The Constitutional Policing Advisor will provide the panel with case law or legal analysis timely provided by the employee's representative. The panel will determine if there is potential *Brady* information by evaluating facts that objective data supports, and will not consider rumor, speculation, or opinion. If the panel determines there is potential *Brady* information, the Commander of the SAFE Division will notify the employee and the Assistant District Attorney in a confidential letter, that there is potential *Brady* information in the employee's personnel records (personnel records are defined in Cal. Penal Code § 832.8). If the panel determines there is no potential *Brady* information, no further action will be taken.

613.5 NOTIFICATION OF POTENTIAL BRADY INFORMATION

(a) If the three member review panel determines there is potential Brady information relating to an employee of the Orange County Sheriff's-Coroner Department, the Commander of the SAFE Division will simultaneously send a written letter to the employee and a confidential letter to the Assistant District Attorney by certified mail. The letter to the Assistant District Attorney will identify the name of the employee, job position/title, and the date of the earliest such conduct that is potential Brady information. The conduct itself is not to be described in the letter.

(b) If a charge of untruthfulness, bias, excessive force, or act of moral turpitude pertains to an employee's involvement in a pending criminal case, the Commander of the SAFE Division shall simultaneously notify the employee, and the Assistant District Attorney or prosecuting attorney from an agency other than the Orange County District Attorney's Office, by certified mail. The letter will identify the name of the employee, job position/title, and the date of the earliest such conduct that is potential Brady information. The conduct itself is not to be described in the letter.

(c) Subpoenas received from prosecuting agencies other than the Orange County District Attorney's Office will be individually evaluated by the Internal Affairs Captain, or designee. If potential Brady information exists, the Commander of the SAFE Division will send a confidential letter by certified mail to the prosecuting attorney who initiated the subpoena. The letter to the prosecuting attorney will identify the name of the employee, job position/title, and the date of the earliest such conduct that is potential Brady information. The conduct itself is not to be described in the letter.

(d) Copies of the letters to the employee, the Assistant District Attorney, and the prosecuting attorney from an agency other than the Orange County District Attorney's Office (if any), will be placed in the personnel investigation file. The employee may choose to add information or any objections to their personnel investigation file after receiving notification from the Department.

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(e) If the employee later successfully challenges any departmental decision regarding the misconduct, the Department shall notify the Assistant District Attorney, and the prosecuting attorney from an agency other than the Orange County District Attorney's Office (if any).

613.6 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that potential *Brady* information is located in the personnel records of a department member who is a material witness in a criminal case, the Assistant District Attorney and the prosecuting attorney from an agency other than the Orange County District Attorney's Office (if any) are to be notified as indicated above. Subsequently, the following procedure shall apply:

Potential *Brady* Information in Sworn members' Personnel Records:

(a) A *Pitchess* motion is required in order to initiate an in camera review by the court.

(b) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(c) The Custodian of Records shall review the motion and determine which portions of the department member's personnel records are relevant to the motion before the Court, and may consult with County Counsel as needed.

(d) The Custodian of Records shall accompany all relevant records during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the records is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the records, only that information ordered released will be copied and released to the party(s) that filed the motion.

1. Prior to the release of any information pursuant to this process, the Custodian of Records shall request a protective order from the court limiting the use of such information to the involved case.

Potential *Brady* information in Professional Staff members' Personnel Records (*Pitchess* Motion Inapplicable):

(a) A subpoena is required for the personnel information.

(b) Once the subpoena is received from the prosecutor, County Counsel should be consulted to request that the court conduct an in camera review of the records to determine whether *Brady* material exists and, if so, to request that the court issue a protective order limiting the use of such information to the involved case.

613.7 CONFIDENTIALITY AND MAINTENANCE OF FILES

All department documents relating to an employee's potential *Brady* information shall be treated as confidential and protected as a confidential personnel record. The potential *Brady* information

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is to be maintained until the employee has separated from employment and there is no longer a reasonable probability that the employee will be called as a witness in a criminal case.

613.8 DISTRICT ATTORNEY'S AUTHORITY UNDER PENAL CODE SECTION 832.7(A)

Nothing in this policy shall apply to or in any way limit the District Attorney's authority pursuant to the exception set forth in Penal Code section 832.7(a). The District Attorney has a right to review peace officer personnel records when the District Attorney is investigating the peace officer for criminal conduct.

613.9 NO PUNITIVE ACTION

No punitive action, or denial of promotion on grounds other than merit, shall not be undertaken by any public agency against any public safety officer solely because that officer's name has been placed on a *Brady* list, or that the officer's name may otherwise be subject to disclosure pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963). See Cal. Government Code § 3305.5.

613.10 DISCLOSURE OF RECORDS PURSUANT TO PENAL CODE SECTION 832.7(B)(SB 1421)

Notwithstanding any other section of Policy 613, records subject to disclosure under Penal Code section 832.7(b) will be released, upon request, in accord with Policy 805.

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Chapter 7 - Equipment

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Departmental Purchase of Firearms

700.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition of departmentally owned firearms, purchased by the Department, for departmental use. For private purchase of firearms by members of this Department, refer to Policy Section 380.

All departmental firearm purchases, including, but not limited to, Less Lethal Shotguns and 40mm less lethal launchers, shall be conducted by the Training Division Armory. The purchase and distribution of Conducted Energy Devices (CED) will be conducted via the Quartermaster Unit.

700.2 DIVISIONS, BUREAUS, UNITS AND TEAMS REQUESTING THE PURCHASE OF FIREARMS FOR DEPARTMENTAL USE

Divisions, bureaus, units and teams requesting to purchase firearms for Departmental use shall contact Armory personnel and indicate:

1. Who is requesting the firearm purchase.
2. What firearm system they intend to purchase.
3. Any associated firearm accessories.
4. The number of firearms requested.

700.3 ARMORY PERSONNEL RESPONSIBILITIES

1. Maintain standard configurations of all weapons to be purchased, including all accessories.
2. Coordinate fiscal requirements with the purchase of the firearms.
3. Take receipt of the firearms.
4. Assemble associated accessories.
5. Contact Teletype and provide the make, model and serial numbers of all new firearms. This information will be entered into the California Department of Justice Automated Firearms System (AFS) as an Institutional Firearm.
6. Enter the new firearms into the Department Inventory system.
7. Issue completed firearms to the appropriate division/bureau/unit.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile phones and personal communication devices, whether Department-issued or individually 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, 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, use of applications, blogging and microblogging, emailing, using video or camera features, and accessing sites or services on the Internet.

The Orange County Sheriff's Department allows members to utilize department-issued PCDs and to possess individually owned PCDs in the workplace, subject to certain limitations (e.g., working in the security areas of a jail). The inappropriate use of a PCD while on duty may impair officer safety. Additionally, members are advised and cautioned that the use of a individually owned PCD either on duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws. If use of an individually-owned PCD for work related purposes, whether on or off duty, is unavoidable, the member may avoid having their individually-owned PCD becoming subject to disclosure by forwarding the communication (text or e-mail) to a Department-issued device or account. Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from their direct supervisor

702.1.1 PRIVACY POLICY

Any Member utilizing any computer, internet service, phone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the Member, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service.

702.2 DEPARTMENTALLY ISSUED PERSONAL COMMUNICATION DEVICES

Depending on a Member's assignment and needs of the position, the Department may, at its discretion, issue a PCD. Such devices 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.

702.2.1 INDIVIDUALLY-OWNED PERSONAL COMMUNICATION DEVICES

Members may carry their own PCD while on duty subject to the following conditions:

1. Carrying an individually-owned PCD is optional.

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2. The device shall be purchased, used and maintained at the Member's expense.
3. If the Member's assignment restricts or prohibits use of an individually-owned PCD during work hours the Member must comply with those limitations.

702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the Department or personally-owned, should only be used by on-duty Members for legitimate Department business except as provided for below. Members may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

1. While Member's may use individually owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their phone call or other use of the PCD.

Except in the case of an emergency, Members who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking (Vehicle Code 23123 (a)). Such use should be restricted to business related calls or calls of an urgent nature.

702.2.4 OFFICIAL USE

The use of personal communication devices may be appropriate in the following situations. This list is not all inclusive:

1. Barricaded suspects.
2. Hostage situations
3. Mobile Command Post.
4. Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
5. Major political/community events.
6. Investigative stakeouts where regular phone usage is not practical.
7. Emergency contact with outside agency or outside agency field unit equipped with PCDs.
8. When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

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702.2.5 PROHIBITED USE OF PERSONAL COMMUNICATION DEVICES

Prohibited use of a PCD include:

1. 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 limit their use of their device to authorized break times, unless there are exigent circumstances.
2. Extended or frequent use of Department-issued PCDs or individually owned PCDs while on duty for personal use, whether telephonic, texting, e-mailing or use of the internet, is prohibited and may be subject to discipline. Members may be responsible for reimbursing the Department for any charges incurred as a result of personal use of a Department-issued PCD.
3. Absent exigent circumstances, PCDs shall not be utilized for non-work-related communication while the Member is engaged in a call for service.Using PCDs during calls for service may inadvertently capture personal communication which may be subject to discovery requests, subpoena or Public Records Act requests.

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Executive Order 13688 - Federally Controlled Equipment

703.1 POLICY

The Department shall provide training, oversight, and documentation for the use of federally controlled equipment.

703.2 PURPOSE

The purpose of this policy is to identify the strategies and oversight required for the appropriate use of federally controlled equipment. To ensure that federally controlled equipment acquired from the 1033 program (a Federal program that allows the acquisition of Military surplus equipment through Defense Logistics Agency/Law Enforcement Support Office (DLA/LESO) of the Department of Defense (DOD)) is used appropriately and complies with Executive Order 13688, the Department shall embrace a system that supports transparency, supervision, evaluation, and accountability.

703.3 DEFINITIONS OF FEDERALLY CONTROLLED EQUIPMENT

Federally controlled equipment is defined as any equipment received or requested from the Defense Logistics Agency/Law Enforcement Support Office (DLA/LESO) under the 1033 program or purchased with federal funds. This includes the following:

1. **Manned Aircraft (Fixed wing):** Powered aircraft with a crew aboard, such as airplanes that use a fixed wing for lift.
2. **Manned Aircraft (Rotary wing):** Powered aircraft with a crew aboard, such as helicopters that use a rotary wing for lift.
3. **Unmanned Aerial Vehicles:** A remotely piloted, powered aircraft without a crew aboard.
4. **Wheeled Armored Vehicles:** Any wheeled vehicle with purpose-built or modified to provide ballistic protection to its occupants, such as Mine Resistant Ambush Protected (MRAP) vehicle or an armored personnel carrier also referred to as armored rescue vehicles (ARV'S).
5. **Wheeled Tactical Vehicle:** A vehicle purposely built to operate on and off road in support of military operations, such as HMMWV (Humvee), 2.5 ton truck, 5 ton truck, or a vehicle with a breaching or entry apparatus attached.
6. **Command and Control Vehicles:** Any wheeled vehicle either purpose-built or modified to facilitate the operational control and direction of public safety units responding to an incident.
7. **Explosives and Pyrotechnics:** Includes explosive breaching tools often used by special operation units.
8. **Breaching Apparatus:** Tools designed to provide law enforcement rapid entry into a building or through a secured doorway. These tools may be mechanical in nature, such as a battering ram, ballistics, or explosive.

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9. **Riot Batons:** Non-expandable baton of greater length (generally in excess of 24 inches) than service issued types and are intended to protect its wielder during melees by providing distance from assailants. These batons offer a greater level of safety for deputies by extending the distance between them and a violent or non-compliant subject.
10. **Riot Helmets:** Helmets designed to protect the wearer's face and head from injury during demonstrations or civil order events from projectiles including rocks, bricks, liquids, etc. Riot helmets include a visor which protects the face.
11. **Riot Shields:** Shields intended to protect wielders from their head to their knees in demonstrations or civil disorder events. Most are designed for the protection of the user from projectiles including rocks, bricks, and liquids. Some afford limited ballistics protection as well.

703.4 PROCEDURES

If any of the following items of federally controlled equipment are acquired by the Department, the equipment may be used in the following manner:

1. Manned Aircraft (Fixed or rotary wing) - Routine patrol, situational awareness, and victim location/rescue missions.
2. Manned Aircraft (Rotary wing)/Unmanned Aerial Vehicles - Aerial operations requiring low altitude or stationary flight operations, HAZ-MAT, accident reconstruction, situational awareness, or operations posing a risk to human life.
3. Wheeled Armored Vehicles - During operations where there is concern for deputies or civilian safety, such as fugitive apprehensions, search warrant service, hostage rescue, and barricaded subject operations.These vehicles provide ballistic protection and subsequently a higher level of safety for both deputies and civilians/victims.
4. Wheeled Tactical Vehicles - Rough terrain or inclement weather for search and rescue operations, victim evacuations, disaster supply deliveries, and emergency personnel transportation.
5. Command and Control Vehicles - Serve as a centralized location for command decision making, enhanced communication and other situational awareness capabilities.
6. Explosives and Pyrotechnics - Create a breach point opening in a structure during a hostage rescue operation or other high risk entry. It may also include devices used to distract or temporarily disorient a suspect prior to law enforcement entry into the structure.
7. Breaching Apparatus - To gain rapid entry into a structure that may be fortified or where a suspect refuses entry.
8. Riot Batons - Deployed during demonstrations or civil disorder events.
9. Riot Helmets - Worn by deputies during demonstrations or civil disorder events where the threat or presence of dangerous projectiles is likely.
10. Riot Shields - Utilized in conjunction with riot helmets to protect deputies from projectiles and other hazards while trying to contain, move or disperse people during

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demonstrations or civil disorder events where the threat or presence of dangerous projectiles is likely.

703.5 AUDITING AND ACCOUNTABILITY

The Department shall maintain all internal auditing procedures and applicable records to ensure that federally controlled equipment is being maintained and utilized as intended.These procedures will include provisions for accountability at the Deputy or Sheriff's Special Officer level to mitigate any misuse or unauthorized use. The Department shall also comply with any reporting requirements mandated by the agency or program which provided the equipment.

703.6 TRAINING AND TRAINING RECORDS

The Department shall train Members prior to the use or deployment of federally controlled equipment. The training shall address the appropriate and safe use of such equipment. Only Members who have been trained may use the equipment.After the initial training, the Department shall conduct annual training for any Members who use federally controlled equipment. The Department shall maintain these training records in accordance with the requirements of the agency or program which provided the equipment.

703.7 AUTHORIZATION OF DEPLOYMENT AND USE

Absent exigent circumstances, federally controlled equipment should only be utilized for previously approved purposes and with the appropriate level of supervision. It shall be the policy of this Department that any deployment or use of federally controlled equipment shall be authorized by a supervisor/incident commander. Authorization for use of the equipment in another jurisdiction must be approved in advance by the Sheriff or the Sheriff's designee.

703.8 AFTER ACTION REVIEW

The Department shall review and document all significant incidents that involve the use of federally controlled equipment. Significant incidents are defined as an incident where there is:

1. A violent encounter among civilians, or between civilians and police.
2. A use of force which results in death or serious bodily injury.
3. A demonstration or other public exercise of First Amendment Rights.
4. An event that draws, or could be reasonably expected to draw, a large number of attendees or participants, such as those where advanced planning is needed.

The Department shall document the following:

1. Identification of the federally controlled equipment used (e.g., categories and number of units of federally controlled equipment used, make/model/serial number).
2. Description of the law enforcement operation involving the federally controlled equipment.
3. Identification of Members who used the equipment and, if possible, civilians involved in the incident.

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4. The result of the federally controlled equipment use (e.g., arrests, use of force, victim extraction, injuries).

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Vehicle Use Policy

706.1 POLICY STATEMENT

Department vehicles are assigned for business-related purposes. Members will use and may be assigned Department vehicles in the course and scope of their duties to further the Department's mission, operational goals, and objectives.

Sheriff's Department Executive Management staff is offered a monthly vehicle allowance or assigned a County car as a part of the County benefit package.

With the exception of those Members assigned vehicles as part of a compensation package, Department vehicles may only be used for commuting (when approved for specific job assignments and following Home Garaged approval guidelines) or minimal personal use on the way between work and home.

706.2 VEHICLES DEFINED

For the purposes of this section, the term vehicle shall apply to any car, truck, van, motorcycle, or motorized vehicle owned, leased, rented or otherwise assigned to the Department.

706.3 ASSIGNMENT OF VEHICLES

Vehicles shall be assigned for use under the following two categories:

1. Specific Use: Commanders may assign a vehicle to an individual to fulfill a specific business need or purpose.
2. Divisional Pool: Commanders may assign vehicles to a pool to be used for business purposes. A vehicle use log must be maintained for all pool vehicles used for and by each Command.

Executive staff who choose a monthly vehicle allowance will not be assigned a County vehicle nor will they have a pool vehicle assigned to them.

Vehicles are assigned to specific Divisions/Bureaus and in some cases assigned to specific Member in a Division/Bureau. In order to properly manage vehicle assignment records for the entire Department, all assignments, reassignments, and transfers must be reviewed and recorded by R&D Fleet Management. No vehicles may be reassigned or transferred until they are reviewed and recorded by R&D Fleet Management. Please refer to Vehicle Assignment Policy.

Department owned/leased vehicles may be home garaged or dispersal parked if authorized to do so as indicated in the below described definitions and/or contract requirements. "Home Garaged and Dispersal Parked Vehicles" requirements apply to Commanders, Captains, Lieutenants, Supervisors, Investigators, Deputies and Professional Staff as established in the following criterion.

706.4 DEPARTMENT VEHICLE COORDINATOR

The Department Vehicle Coordinator is established and shall be assigned to the Director, Research and Development Division. The Department Vehicle Coordinator shall maintain a file

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of all Department vehicle Unit Numbers including Home Garage and Dispersal Parked vehicles. The Department Vehicle Coordinator shall be responsible for approving and ensuring compliance with all requests to Home Garage or Dispersal Park Department Vehicles.

706.5 AUDITS

The Department Vehicle Coordinator shall facilitate bi-annual inspections to ensure compliance with the Department Home Garage and Dispersal Parked Vehicle policy requirements.

706.6 HOME GARAGE VEHICLE

Home Garaged Vehicles are those vehicles assigned to Members who regularly respond, or may be required to respond, to major investigations, critical incidents, natural disasters, and/or emergencies. Time is a critical factor, and direct response serves the public interest by facilitating the deployment of certain Members based on their individual expertise, use of specialized equipment or assignment. Eligibility for Home Garaged Vehicles shall be approved by all Commanders and the Department Senior Director.

Home garage vehicles require the following conditions in accordance with this policy:

1. The vehicle must be parked off-street.
2. Vehicle parking shall be available at the Member's residence.
3. Vehicles shall be locked when not attended.
4. When a Member is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the Member's residence or at a Sheriff's facility.

706.7 EMERGENCY CALL-OUTS

Members who may be required to respond to duty related call-outs on an ongoing basis are eligible to have a Home Garaged Vehicle assigned to them to facilitate these call outs as approved by Eligibility for Home Garaged Vehicles shall be approved by all Commanders and the Department Senior Director.

706.8 SPECIALIZED EQUIPMENT OR ASSIGNMENT

Specialized equipment or assignment includes, but is not limited to those Members assigned canines, hazardous devices, special weapons and tactics, two-wheeled motorcycle units, and other specialty assignments where the vehicle contains equipment essential for public safety.

706.9 DISPERSAL PARKED VEHICLES

Dispersal parking is the authorized off-duty parking of a Department vehicle at an Orange County facility other than the Member's regularly assigned duty station. Dispersal parking refers exclusively to a named Member authorized to park at a specifically designated location (other than his/her duty station). Each person who is assigned a County vehicle requiring dispersal parking is responsible for identifying a viable City or County dispersal park location as approved by their Commander.

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706.10 APPROVAL

A Department Member may Home Garage or Dispersal Park a Department vehicle only after obtaining prior written approval from their Assistant Sheriff via their chain of command to Home Garage or Dispersal Park a County owned/leased vehicle using the Garaged-Dispersal Parked Approval Form.

706.11 CONTRACT AGREEMENTS

Contract agreements that require specific Department positions to home garage vehicles due to "emergency response" and/or "operational necessity" shall continue to meet those contract requirements. Home Garaging a vehicle funded by an outside agency (contract partner) shall be approved, in writing, by an authorized member of that agency. This written authorization shall be submitted in writing to the Department Vehicle Coordinator, Director, Research and Development Division.

706.12 LEGAL REQUIREMENTS

Vehicles shall be operated in a safe manner and in compliance with the law, including when following the provisions provided under the policies relating to Emergency Vehicle Operations and Vehicle Pursuit. The Department's Rules and Regulations specify:

1018.6 Obedience to Laws and Regulations

1. Members shall observe and obey all laws and ordinances, all rules/regulations, procedures and policies of the Department and all orders of the Department or commands thereof. In the event of improper action or breach of discipline, it shall be presumed that the Member was familiar with the law, rule/regulation, procedure or policy in question.

Furthermore, an Assigned Vehicle Acknowledgment form must be signed and on record for all assigned vehicles as an acknowledgment of Department Rules and Regulations that apply to the Vehicle Use Policy.

706.12.1 ALCOHOL AND MEDICATION

Members shall not operate a Department vehicle (defined in section 706.2) if they have taken any medication or consumed an alcoholic beverage, or combination thereof, that would tend to adversely affect their mental or physical abilities.

706.12.2 SECURITY AND UNATTENDED VEHICLES

Absent an exigent circumstance, unattended vehicles should be locked and secured at all times. Members who exit a vehicle rapidly in an emergency situation should carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

For storage of firearms in a county vehicle, see OCSD Policy 380.11.1, 381.8.1 and 382.8.2.

For use of cellular phones while operating a county vehicle, see OCSD Policy 702.2.3.

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706.13 OUT OF COUNTY TRAVEL/COMMUTING

Out of County travel within the surrounding counties is authorized for business purposes. Extended or overnight travel in an assigned Department vehicle shall be approved by the Member's Commander.

Members shall obtain the approval of their Assistant Sheriff before driving a Department vehicle out of the County to their home to support an unusual travel or commuting circumstance.

706.14 AUTHORIZED PASSENGERS

Members operating Department owned vehicles shall not permit persons other than County Members or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle. Vehicles assigned to executive staff Members or the Sheriff as part of a County approved compensation package do not apply. The drivers and all passengers of all County vehicles are required to be in compliance with the Department's seat belt policy.

706.15 VEHICLES SUBJECT TO INSPECTION

All County owned vehicles are subject to inspection and/or search at any time by a supervisor and no Member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.16 IRS REPORTING REQUIREMENTS

The Internal Revenue Service (IRS) regulations (26 C.F.R. 1.61-21) require the County to report commuter use of Department vehicles as additional taxable income under the following criteria:

1. The vehicle is taken home.
2. Sworn Members are exempt if their vehicle is clearly marked as a law enforcement vehicle or has emergency equipment installed (radio, lights, siren, etc.).

Professional staff Members (non-sworn), who are authorized to take their vehicles home, shall log their daily commuter use and submit quarterly reports for IRS wage calculation to the Auditor Controller's office.

706.17 VEHICULAR ACCIDENTS

Members operating a Department vehicle involved in a traffic accident shall notify their direct supervisor or Department Commander immediately and request a field supervisor. The collision shall be reported to the law enforcement agency having traffic investigation and enforcement responsibilities (Traffic Collision Policy 502.3.1). Members involved shall promptly prepare the necessary written report.

Members operating a County vehicle involved in a traffic accident "Out of County" shall notify and report to the Department in whose jurisdiction the accident occurred. Additionally, ECB shall be notified as soon as practical informing them of the incident. Members involved shall promptly prepare the necessary written report.

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706.18 TRANSPORTATION CORRIDOR AGENCIES (TCA) TRANSPONDERS

The Orange County Sheriff-Coroner's Department, in cooperation with the Transportation Corridor Agencies, shall provide toll road transponders for all Department vehicles for those instances when used for emergency response purposes. Such purposes are responses to emergency situations and incidents requiring the presence of law enforcement.

1. Department Members shall only use the toll-way when conducting official Department business and may not be used for commuting purposes.
2. Department Members shall not tamper with, or remove a transponder from any Department vehicle without approval of their Commander.

TCA transponders and the aforementioned cooperative agreement only pertain to TCA toll roads (241, 261, 73, 133) and do not include the 91 Fwy FasTrak. Any and all charges incurred that apply to the 91 Fwy FasTrak are the responsibility of the Command or the individual assigned to the vehicle.

706.19 FUEL CARDS

Fuel or Voyager cards may be assigned to personnel and/or vehicles to provide access to refueling stations for Department vehicles. Should such cards become lost or stolen, the assigned Member shall notify R&D Fleet Management as soon as possible.

Whenever viable, County fueling stations, or fueling locations identified by R&D Fleet Management, should be used to fuel Department vehicles.

When it is necessary to use the Voyager Card for the purpose of fueling a county vehicle that requires unleaded gasoline, 87 octane gasoline shall be used unless the county vehicle specifically requires a higher octane level gasoline.

706.20 MILEAGE REPORTING REQUIREMENTS

All Department County owned/leased vehicles require mileage reporting. Mileage reporting must be recorded and turned in each month to R&D Fleet Management. Each Command shall assign an individual within their Command to collect and report prior month mileage data to R&D Fleet management within the first 10 days of each month.

706.21 VEHICLE MAINTENANCE REQUIREMENTS

All Department vehicles must be maintained to ensure useful life, safe operation, and performance. Maintenance schedules are according to each vehicle type. Each Command/user is responsible to ensure that vehicles are made available for service within a reasonable mileage tolerance of (0 + 500 miles).

In addition to maintenance schedules, vehicle inspections should be completed routinely to ensure vehicle safety and reliability. This includes checking oil and fluid levels, tire inspection/pressure, and vehicle cleanliness.

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706.22 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions, or deletions of any equipment or accessories shall be made to a county vehicle without written permission from Fleet Management.

This revised policy supersedes all previous orders addressing home garaged and/or dispersal parked County owned/leased vehicles.

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Military Equipment

711.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of "military equipment" as defined by the California State Legislature (AB 481; Government Code § 7070; Government Code § 7071; Government Code § 7072).

711.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – In the case of a law enforcement agency of a county, including a sheriff's department, "governing body" means the Board of Supervisors.

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 items to remove a lock, such as bolt cutters or a handheld ram designed to be operated by one person.
- 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 assault weapons as defined in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue service weapons and ammunition of less than.50 caliber.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- "Flashbang" grenades and explosive breaching tools.
- Munitions containing tear gas or OC, and pepperballs, excluding standard, service-issued handheld pepper spray.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices, acoustic hailing devices and sound cannons.
- 40mm projectile launchers, "bean bag," rubber bullet and specialty impact munition (SIM) weapons.

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- Any other equipment as determined by a governing body or a state agency to require additional oversight.

711.2 POLICY

It is the policy of the Orange County Sheriff's Department that Members of this Department comply with the provisions of Government Code § 7071 with respect to military equipment.

711.3 MILITARY EQUIPMENT COORDINATOR

The Sheriff has designated the SAFE Bureau 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 Board of Supervisors 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 Department (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 the Board of Supervisors, and ensuring that the report is made available on the Department website (Government Code § 7072).

(g) Coordinating the processing of complaints and concerns submitted pursuant to Section 711.11 of this policy.

711.4 MILITARY EQUIPMENT CONSIDERATIONS

(a) The military equipment acquired and authorized by the Department and approved by the Board of Supervisors is:

1. Necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. Reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(b) Military equipment shall be used by a Department member only after applicable training, as described in applicable Department Policies and Procedures, including the completion of any course required by the Commission on Peace Officer Standards and Training.

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711.5 MILITARY EQUIPMENT INVENTORY

A list of qualifying equipment used by the Department can be found on the Department website.

711.6 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.

(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.

711.7 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any Member of this Department shall be in accordance with this policy and all applicable Department policies. Military equipment used by other departments that are providing mutual aid within Orange County Sheriff's Department jurisdiction shall comply with their respective department's policies.

711.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Sheriff or the authorized designee shall 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 SAFE Bureau shall 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 of the following information for the preceding calendar year:

(a) A summary of how the military equipment was used and the purpose of its use.

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(b) A summary of any complaints or concerns received concerning the military equipment.

(c) The results of any internal audits, any information about violations of the military equipment policy, and any actions taken in response.

(d) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(e) The quantity possessed for each type of military equipment.

(f) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

711.9 COMPLIANCE

The Department will ensure that employees comply with this policy. Each Division is responsible for ensuring compliance with this policy and will be subject to an annual audit by the SAFE Divsion. All potential violations will be referred to the Internal Affairs Division for investigation. (Government Code §§ 7070(d), 7072(a),)

711.10 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 public may discuss and ask questions regarding the annual report and the Department's funding, acquisition, or use of military equipment.

711.11 PUBLIC CONCERNS

Any member of the public may submit a question or concern regarding the Department's military equipment by contacting OCSD via email at info@ocsheriff.gov. A response to the question or concern shall be completed and provided by the Department in a timely manner.

Any member of the public may submit a Civilian Complaint Form, which is available on the Sheriff's website. Once the complaint is received, it shall be routed to the Internal Affairs Bureau in accordance with Policy 1020. (Government Code § 7070(d))

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Chapter 8 - Support Services

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Departmental Report Distribution

801.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and responsibilities for the distribution of all Departmental reports.

801.1.1 DEFINITIONS

Field Based Reporting (FBR) System: The application used to complete and submit reports and forms to the Department's Records Management System (RMS).

Report Writer: Department Members documenting an incident, designated on initial reports as the Reporting Officer and on supplemental reports as Supplementing Officer.

Approving Officer: Lieutenants, sergeants and Traffic Bureau assigned deputies who review and approve reports. The approving officer shall be someone other than the report writer.

Statistical Unit: Department Members assigned to the Support Services Division's Records and Information Services Bureau, Statistical Unit who are responsible for ensuring approved reports contain accurate data for internal statistics and reporting to the Department of Justice.

Original Report: The original electronic report from which subsequent copies are generated from.

Reporting Area: The area or detail handling the report review. This ensures the report is routed to the appropriate approving officer for review when it is submitted by the report writer.

Division Assignment: The appropriate investigative detail who will be handling the necessary action for the incident. The report writer must designate at least one division assignment. If the Division Assignment on a report needs to be removed, a new Division Assignment shall be designated by either the approving officer or an investigations detail sergeant. At least one Division Assignment shall be present at all times to ensure the report is always assigned to at least one investigative detail.

User Assignment: Department Members who are assigned to investigate and/or complete tasks with the associated case.

Outside Agency To Be Notified: Must be filled out by the report writer to include any agency needing a copy of the original report. The report shall be sent after the approval of the Statistical Unit.

Delinquent Report: An initial incident report not completed within 30 days of the incident reported date.

801.2 POLICY

It shall be the policy of this Department to ensure Departmental reports are distributed to the proper divisions/bureaus/details for approval and follow-up investigation.

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801.4 ROLES AND DUTIES

1. Report Writers
    (a) In FBR, complete all applicable sections for the appropriate incident report template ensuring the reporting area, division assignment and outside agency to be identified are designated.
    (b) Submit the report.
2. Approving Officers
    (a) Review their area/detail reports, check for errors, and that the appropriate division assignment is designated.
    (b) If the report requires corrections, reject the report.
    (c) If no corrections are required, approve the report.
3. Statistical Unit
    (a) Review reports after they've been approved, verify all information necessary for reporting to the Department of Justice is present and accurate.
    (b) If any additional information is needed for the National Incident Based Reporting System (NIBRS) reporting, reject the report.
    (c) If any outside agencies to be notified are identified on the original report, forward a copy of the report to the agency.
4. Division Assignments
    (a) Review reports assigned to respective detail that have no user assignment.
    (b) Identify and assign appropriate users to the incident.

801.4 IMMOBILE REPORTS

Immobile reports are uncompleted reports that have become stranded in the FBR workflow because the report writer inability to access the FBR system due to a leave of absence or separation from the Department. In order to eliminate these immobile reports, a sergeant shall follow the following protocol:

1. A Sergeant (not a deputy) shall copy the narrative, attachments, and other pertinent information to a new report template under the same DR#. The Sergeant shall write a short synopsis detailing the report was copied because of the report writer's inability to access the Field Based Reporting system. Do not specify in the report that the report writer is on workers' compensation, medical leave, administrative leave or no longer with the Department.

2. The Sergeant shall write "see the original report writer's narrative below" then "copy and paste" the narrative. This will explain why the report was submitted by someone else other than the originally assigned report writer. It will also explain that it is a detailed account of the incident as written by the report writer.

Below is the process of how to copy the report:

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1. Highlight and copy the text in the Narrative section. Click the Attach tab and download report attachments (if any).
2. Click the Actions menu located in the upper right corner of the report header and select Copy. This will take you to the copy report screen.
3. From the Select Report Template section, select Incident. A Select Template drop down box will appear to the right. Choose the template you would like to copy the report to. The template should be the same as the deputy's original template i.e. 10-Non-Criminal or 20-ICR.
4. The Select Report Data section will list all the original report content that can be copied. To the right of each content item, set the appropriate section where the content item should be copied to i.e. Suspect, Victim, etc.
5. In the Officers Involved section, uncheck the original approving officer (if it is checked). This will allow the new approving Sergeant's name to be stamped on the report.
6. Once you have set the section for each content item, click the Create button in the upper right corner.
7. After hitting Create, you will notice you are now on the Template and all the information was carried over. If the original report contained any attachments, upload them using the Attach tab.
8. Go to the narrative section and paste the original narrative. Above the narrative, type a short synopsis detailing that the report was copied because of the report writer's inability to access the Field Based Reporting system. Then type "see the original report writer's narrative below."
9. Review your report, and verify all associated attachments have been attached to the report. Click Submit in the top right of the report header.Immobile reports are uncompleted reports that have become stranded in the FBR workflow because the report writer inability to access the FBR system due to a leave of absence or separation from the Department. In order to eliminate these immobile reports, a sergeant shall follow the following protocol:

1. **A Sergeant (not a deputy**) shall copy the narrative, attachments, and other pertinent information to a new report template under the same DR#. The Sergeant shall write a short synopsis detailing the report was copied because of the report writer's inability to access the Field Based Reporting system. **Do not specify in the report that the report writer is on workers' compensation, medical leave, administrative leave, or no longer with the Department.**
2. The Sergeant shall write "see the original report writer's narrative below" then "copy and paste" the narrative. This will explain why the report was submitted by someone else other than the originally assigned report writer. It will also explain that it is a detailed account of the incident as written by the report writer.
3. The report shall be reviewed and approved by an approving officer that is someone other than the submitting Sergeant.

<u>Below is the process of how to copy the report:</u>

1. Highlight and copy the text in the Narrative section. Click the Attach tab and download report attachments (if any).
2. Click the Actions menu located in the upper right corner of the report header and select Copy. This will take you to the copy report screen.

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3. From the Select Report Template section, select Incident. A Select Template drop down box will appear to the right. Choose the template you would like to copy the report to. The template should be the same as the deputy's original template i.e. 10-Non-Criminal or 20-ICR.
4. The Select Report Data section will list all the original report content that can be copied. To the right of each content item, set the appropriate section where the content item should be copied to i.e. Suspect, Victim, etc.
5. In the Officers Involved section, uncheck the original approving officer (if it is checked). This will allow the new approving sergeant's name to be stamped on the report.
6. Once you have set the section for each content item, click the Create button in the upper right corner.
7. After hitting Create, you will notice you are now on the Template and all the information was carried over. If the original report contained any attachments, upload them using the Attach tab.
8. Go to the narrative section and paste the original narrative. Above the narrative, type a short synopsis detailing that the report was copied because of the report writer's inability to access the Field Based Reporting system. Then type "see the original report writer's narrative below."
9. Review your report, and verify all associated attachments have been attached to the report. Click Submit in the top right of the report header.

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Property and Evidence

802.1 PURPOSE AND SCOPE

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

802.1.1 DEFINITIONS

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

Evidence: Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes but is not limited to photographs, video, digital media, and latent fingerprints.

Chain of Custody: The chain of custody is the documented sequential record of all individuals who maintained control of any physical evidence. A complete and accurate record of the chain of custody is essential in establishing the validity and integrity of evidence in court.

Safekeeping: Includes the following types of property:

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

Found property: Includes property found by a Member or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

P.E.A.B.I.T.S.: Property Evidence Automated Booking Information and Tracking System.

Destruction: Items collected and booked with the Property/Evidence Detail for the sole purpose of having the item(s) destroyed. Examples: Contraband items seized by a deputy with no suspect, Court exhibits returned along with a court order for destruction, bulk found property stored at an outlying facility in excess of 90 days (Airport, Courts, Social Service buildings) with no owner identified, etc.

D.E.M.S.: Digital Evidence Management System.

Individual Request: Invite specific individuals to provide evidence submissions. Invitation may be sent by email or Short Message Service (SMS).

Portal Request: Create a web portal to request evidence submissions from the general public. Promote the portal through social media and local news. Approval to create a web portal for a specific case investigation must be obtained by the requestor's Division Commander and coordinated through the Public Affairs and Community Engagement Division.

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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. Care shall be taken to maintain the chain of custody for all evidence.

If a Member collecting evidence is unable to book the evidence, they may assign another Member to book the evidence, maintaining the chain of custody. The transfer of evidence shall be documented in the collecting Member's report and the booking Member's supplemental report.

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:

1. Using the automated property system, the Member shall log onto the automated property system, book all items into the computer separately, listing all serial numbers, owner's name, finder's name, and all other applicable fields. When finished, the Member shall log off the automated property system.
2. Package each item using the proper packaging materials. An evidence seal (clear tape), must be applied to the opening of the package. The seal should have the booking officer's initials, PID and date, half on the tape and half on the packaging to create a tamper proof seal. On the lower left hand corner of the evidence tag, place the initials and PIN of the deputy booking the item. Securely attach evidence tag and bar code label after entering required case information into P.E.A.B.I.T.S.
3. The original property form shall be submitted with the case report. The yellow copy of the 90-day safekeeping form shall be placed with the property in the temporary property locker or with the property.
4. When the property is too large to be placed in a locker, the item may be retained in the evidence room.
5. After all items are booked, the Member shall attach the Evidence Case Items Report to the respective report within FBR. In the event FBR is offline, and a paper report will be generated, the Evidence Case Items Report should be printed and submitted to Records with the original paper report.
6. Supervisors shall check that all property or evidence has been booked prior to approving any related reports.
7. If temporary property/evidence lockers are full, the Member shall notify their immediate supervisor. During normal hours of operations, the supervisor will notify the Property and Evidence Bureau and direct the Member to book the items at another temporary property/evidence locker location. During off hours, the Property and Evidence supervisor shall be notified through the Department Commander.
8. Under extenuating circumstances, a supervisor may authorize temporary storage in an authorized secure area (e.g. a locked office safe or cabinet) if the area is only accessible by the Member or the supervisor.

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802.2.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using separate property packaging. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The Member seizing the narcotics and/or dangerous drugs shall place them in the designated locker.

802.2.3 EXPLOSIVES

Members who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Department Commander. The Hazardous Devices Section (HDS) 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 by the Property and Evidence Bureau. 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.

802.2.4 EXCEPTIONAL HANDLING

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

1. Bodily fluids, such as blood or semen stains, shall be air dried and placed in paper packaging prior to booking. In the event of a Crime Lab response, the evidence shall be processed by the Crime Lab.
2. Soaked or saturated items, shall be air dried and placed in paper packaging prior to booking. If the items will not dry to an acceptable level for booking, the Crime Lab should be contacted for assistance.
3. 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 property officer, or placed in the bicycle storage area until a property officer can log the property.
4. All cash over $2,500 shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Property and Evidence Bureau supervisor or his designee shall respond to take possession of the currency and immediately place the currency in the vault.
5. Vehicles may be seized for evidentiary purposes. Vehicles that are evidence to a serious offense that need to be worked for forensic evidence should be followed to the Brad Gates Forensic Science building located at 320 N. Flower St., in Santa Ana, and secured in their evidence garage. A "hard" evidence tag should be filled out and placed under the wiper blade of the vehicle.
    (a) Vehicles that cannot be later released by Investigations will be stored in the Property/Evidence Detail Vehicle Evidence Lot located behind the Theo Lacy Branch Jail until the criminal case is fully adjudicated, and when civil liability involving the County of Orange no longer exists (e.g., officer involved shootings, officer involved traffic accidents with serious injuries, etc.).

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6. Flammable substances including paints, propane canisters, and other liquid flammable substances may be stored in a temporary locker only if the containers are tightly secured, and are free from liquid or chemical discharge. Property/Evidence staff will then transport these items to the Property Warehouse for storage.
7. The Property/Evidence Detail shall no longer accept any hazardous waste items. Chemicals seized at methamphetamine labs are considered hazardous waste. The Crime Lab will take samples of the chemicals for evidence. The remainder of the chemical shall be processed/destroyed by a state licensed disposal company.
8.

802.2.5 DIGITAL EVIDENCE

1. Digital Evidence Management System (D.E.M.S.) - A secure cloud-based storage system managed by the Media Analysis Bureau in the Records Division and available to authorized Department Members with varying levels of access. The D.E.M.S. is used to organize, classify, manage, view, share, and archive digital media evidence. The D.E.M.S. automatically creates and updates an extensive audit log of all activity to protect the chain of custody of the retained digital media evidence.
    A. When submitting any digital evidence (including videos, photos, and audio recordings) into the D.E.M.S., Members must include the appropriate identification number and category.
    B. In instances where the CAD is inoperable or a Member needs to categorize their own recordings, Members shall log into the D.E.M.S. and include, at a minimum, the following basic information:
        (a) Identification field: Members shall enter the DR#, JI #, Citation, or CAD incident number, as applicable.
        (b) Category: The appropriate categories shall be selected from the drop-down menu to ensure the appropriate retention of the digital evidence.
    C. Members shall document the submission of the digital evidence into the D.E.M.S. in the narrative of their report and in the Property/Evidence section of the report.
    D. Community Request is a secure cloud-based feature that allows Members to securely receive evidence submissions from the community and manage that media in the D.E.M.S.
        (a) There are two types of Community Requests: Individual Request (Private) and Portal Request (Public).
        (b) When initiating a Community Request, Members shall provide members of the public with an upload link to submit digital evidence and shall provide them reasonable assistance if needed.
        (c) Members shall document in their report the identities of members of the public who have possible evidence and were provided an upload link for investigative follow-up.

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(d) Individual Request upload links have a default expiration of 10 days before requiring an extension to be resent.

(e) Portal Requests will be closed manually but may be reopened based on the needs of the Department.

(f) The handling Member(s) shall review any digital evidence uploaded to the D.E.M.S. within the timeframe set in Department Policy 338.3 and document the results in their report.

(g) Assigned Investigator(s)/case agent(s):

i. Shall review digital evidence uploads from the public, regardless of its assigned status (e.g., accepted or declined), and determine which uploads are relevant/not relevant to the case/investigation. Conclusions regarding relevance or lack thereof should be documented in a follow-up report.

ii. If a report states that digital evidence is expected from a member of the public, but was not uploaded to the D.E.M.S., attempt to contact the member of the public in possession of the digital evidence to determine the status.

iii. Only consider closing a case/investigation once all digital evidence has been uploaded and/or efforts to obtain the digital evidence have proven unsuccessful.

2. Axon Capture – An application built for smartphones that allows Members to capture digital evidence from a Department-issued mobile device. Evidence is automatically assigned with GPS locations, and metadata is synced to the D.E.M.S. This is not a substitute for assigning identification numbers and categories as noted above.

A. If digital evidence exists, Members shall attempt to collect the digital evidence using the Axon Capture application. If a Member is unable to collect the digital evidence, the reason(s) for a Member's inability to collect the digital evidence must be documented in the narrative of the report. In the event the Member cannot collect the digital evidence, the Member may request the victim, witness, or reporting party to submit the digital evidence after receiving the provided link from an Individual Request.

B. The Individual Request feature is accessible within the Axon Capture application. The Portal Request is only available within the D.E.M.S.

3. Release of Digital Evidence - Digital evidence shall be treated as an investigative record and handled pursuant to existing Department policies and procedures. A copy of digital evidence may only be released with the approval of the Sheriff or his/her designee. All requests for digital evidence generated by the District Attorney, Attorney General's Office, Grand Jury, City Attorney and/or a Defense Attorney, sworn law enforcement officers of other municipal, state or federal agencies (FBI, U.S. Marshall, etc.), will be handled by the Records Division.

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802.2.6 FIREARMS RELINQUISHED BASED ON CONVICTION PURSUANT TO PENAL CODES 29800 AND 29805

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

Firearms relinquished pursuant to Penal Code § 29810 shall be retained for 30 days, after which time, the firearm is subject to destruction, retention, or transfer (Penal Code § 29810(i)), except when:

1. The firearm will be retained if the Court or the District Attorney determines that the retention of the firearm is necessary or proper to the ends of justice or if the defendant provides written notice of an intent to appeal a conviction for an offense that rendered the defendant unable to possess or own the firearm.
2. The Automated Firearms System (AFS) indicates that the firearm was reported lost or stolen:
    A. 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 § 33855.

The Member booking the firearm shall ensure teletype is notified of the relinquished firearm for purposes of updating AFS and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

802.3 PACKAGING OF PROPERTY

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

1. Narcotics and dangerous drugs,
2. Paraphernalia as described in Health and Safety Code § 11364,
3. Property with more than one known owner,
4. Firearms (ensure they are unloaded and booked separately from ammunition),
5. Fireworks (will be stored at OCSD Hazardous Devices Section),
6. Contraband,
7. Currency (US or Foreign).

802.3.1 PACKAGING CONTAINER

Members shall package all property 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. Heat sealing is the preferred method of packaging items suspected of being or containing Fentanyl.

A property tag shall be securely attached to the outside of each item.

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802.3.2 PACKAGING NARCOTICS
The Member seizing the narcotics and/or dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated evidence lockers.

Narcotics and/or dangerous drugs shall be packaged in an envelope of appropriate size available in the booking room. The booking Member shall initial, date, and time the sealed envelope and cover the initials with packaging tape. Narcotics and/or dangerous drugs shall not be packaged with other property.

All narcotics evidence, with the exception of plant material, shall be packaged in a ziplock or heat sealed plastic bag of appropriate size. All primary packaging (baggie, bindle, paper, ziplock) shall be contained in at least one additional (sealed) plastic bag. The evidence is then sealed in an envelope. If fentanyl or a similar toxic substance is suspected, see Field Operations Advisory Issue 43 – Fentanyl, on booking procedures.

All large item cases of 400 grams or more, including kilos, must be in plastic ziplock or heat sealed bags prior to placement in boxes or bags.

Never package fresh marijuana, plant material, or perishable items in plastic. These items will mold in plastic.

A completed, printed property tag shall be attached to the outside of the container. The booking Member will initial and record his/her PIN in the appropriate box located in the lower left hand corner of the evidence tag.

802.3.3 CRIME LAB WORK REQUEST AND DNA EVIDENCE SUBMISSION
All items to be worked by the Crime Lab must have a work request completed. This is accomplished by entering a request on the Crime Lab's online system, Work Request and Case Status (WRCS), at www.occl.ocgov.com. All WRCS users must have prior authorization to enter requests into the system.

See Training Bulletin 9-23, regarding For DNA Evidence Submission.

802.4 RECORDING OF PROPERTY
The property officer receiving custody of evidence or property shall record electronically via the P.E.A.B.I.T.S receiving and new custody location of the item.

802.5 PROPERTY CONTROL
Each time the property officer receives property or releases property to another person, he/she shall record electronically, via the P.E.A.B.I.T.S., the movement of the item. Members desiring property for court shall contact the property officer as soon as feasibly possible to allow for the Property and Evidence Bureau to retrieve and stage the item(s) for pick up.

802.5.1 RESPONSIBILITY OF OTHER MEMBERS
Every time property is released or received, an appropriate entry into P.E.A.B.I.T.S shall be completed to maintain the chain of evidence. No property or evidence is to be released outside

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OCSD custody without first receiving written authorization via a court order, case agent or supervisor.

A request for forensic analysis of items shall be completed on-line via the OC Crime Lab WRCS System.

802.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The Property and Evidence Bureau will check the evidence out of property via the automated crime lab request report.

The property officer releasing property must complete the required lab transfer document and update the electronic chain of custody to reflect released location.

802.5.3 STATUS OF PROPERTY

All Property and Evidence Bureau personnel releasing property to other Members of the Department will complete the appropriate information on the Chain of Custody Receipt, thus continuing the chain of custody. Temporary release of property to Members for investigative purposes or for court shall be noted by Property and Evidence Bureau personnel in the automated audit trail which captures the date, time, who received the property and the reason for checking out the property.

The property officer 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 returned to the Property and Evidence Bureau or properly released to another authorized person or entity.

The return of the property is tracked by the Property and Evidence Bureau and should be less than seven calendar days. Department Members may contact the Property and Evidence Bureau if an extension is needed.

802.5.4 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify and provide notice to the rightful owner of found property or evidence not needed, or no longer needed, for an investigation or criminal proceeding.

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 investigator and must conform to the items listed on the property form or must specify the specific item(s) to be released. The Property and Evidence Bureau 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 investigator. Release of all property shall be documented on the property form. If property was seized pursuant to a search warrant, a court order is required to release the property or destroy the property if it is contraband (Penal Code § 1536).

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

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Property and Evidence Bureau personnel may attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. If a mailing address is available, Property and Evidence Bureau personnel will mail a notice to the owner, notifying the owner that he/she must claim the property or it will be schedule for disposal. Property not held for any other purpose and not claimed within 90 days after notification, may be auctioned to the highest bidder at a properly published public auction. Found property with no known owner and valued at $250.00 or more shall be posted in the newspaper for two weeks prior to being sent to a properly published 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 the P.E.A.B.I.T.S.

If the Department was unable to make notification to the owner of the property, or if the owner provides written notification that they are in custody and unable to pick up the property, or have an authorized person retrieve the property, the property will be retained no longer than 12 months. It will then be scheduled for disposal.

A property officer 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 public release document. After release of each item, the corresponding documents will be scanned into the Records Management System and retained pursuant to the Department's records retention and disposition schedule.

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

The Department is not required to retain any firearm, or other deadly weapon, longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875). Although, this is the correct way to maintain & process firearms, our department holds firearms for the OC Bullet Program (See OC Crime Lab PPM requirements for firearms).

802.5.5 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property and Evidence Bureau 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.

802.5.6 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, the property officer shall return the weapon to the owner upon proof of compliance with the requirements of Penal Code sections 33850, et seq. If, however, the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm, it shall not be returned (Family Code § 6389(g)).

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If there is legal cause to not return the firearm(s) to the person and the person is the lawful owner of the firearm(s), the person is entitled to sell or transfer the firearm to a licensed dealer as defined in Penal Code section 26700. If the Department determines the firearm(s) are stolen, the firearm(s) should be restored to the lawful owner upon proof of compliance with Penal Code sections 33850, et seq. Release of the firearm(s) to the rightful owner does not require expiration of the restraining order.

The 180 day limit on retaining firearms set forth in Penal Code § 33875 does not apply to firearms and ammunition relinquished as a result of a Domestic Violence restraining order unless the firearm/ammunition go unclaimed for 180 days after the restraining order expires.

802.5.7 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8103, 5150, 5250, or 5300 shall be released or disposed of as follows:

1. The Department has 30 days from the date a person detained for mental health evaluation is released to initiate a petition for a hearing to determine whether the firearm or other deadly weapon should be returned (Welfare and Institutions Code § 8102(c)). The weapon shall be released or disposed of as provided by an order of the court following a hearing. If the court orders a firearm returned, the requirements of Penal Code 33850, et seq. shall be complied with before the firearms can be released.
    A. If the person fails to respond to the request for a hearing, the Department may request entry of a default order authorizing the destruction of the firearm in 180 days from the date of the default order unless the person contacts the Department to facilitate a transfer or sale of the firearm as allowed under Penal Code section 33870.
    B. If, after the hearing, the court determines the firearm should not be returned to the person, the Department may destroy the firearm within 180 days of the date of the order unless the person contacts the Department to facilitate transfer or sale of the firearm as allowed under Penal Code section 33870.
2. If no petition is initiated pursuant to Welfare and Institutions Code § 8102(c) and there is no other legitimate basis for the Department to retain the weapon, the Department shall make the weapon available for return subject to the requirements of Penal Code sections 33850, et seq.

802.5.8 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody, or surrendered pursuant to a gun violence restraining order, shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 (Penal Code § 18120). Upon receiving the surrender of a firearm, ammunition, and/or ammunition feeding device pursuant to a gun violence restraining order, the Department shall issue a receipt to the person as proof of the surrender. The 180 day limit on retaining firearms set forth in Penal Code § 33875

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does not apply to firearms and ammunition relinquished as a result of a gun violence restraining order unless the firearm/ammunition go unclaimed for 180 days after the restraining order expires.

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

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120, and the person is determined to be the lawful owner by the Department, the firearm(s), ammunition, and/or ammunition feeding device shall be returned to the lawful owner upon proof of compliance with the requirements of Penal Code § 33850 (Penal Code § 18120). Release of the firearm to the rightful owner does not require expiration of the restraining order.

802.6 ADDITIONAL DISPOSITION OF PROPERTY

802.6.1 EXCEPTIONAL DISPOSITIONS

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

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

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 complete the Schedule of Accounts form and submit it to the Treasurer-Tax Collector, which 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

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become the property of the County 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 the County of Orange's General Fund.

802.6.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Bureau supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, prior to the end of the statute of limitations or upon court order when applicable:

1. The defendant,
2. The defendant's attorney,
3. The appropriate prosecutor and Attorney General,
4. Any sexual assault victim,
5. The Investigation Bureau supervisor.

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Bureau 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 Investigation Bureau supervisor, and/or the OCDA Camille Hill Innocence Review Panel.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the case agent or district attorney.

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 Investigation Bureau supervisor 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). A special agreement with the OCSD Special Victim's Detail and the OCDA's Office states both parties must be notified and concurrently agree to the disposition.

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802.7 INSPECTIONS OF EVIDENCE ROOM

1. On a monthly basis, the supervisor of the Property and Evidence Bureau shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
2. When a change is made in personnel who had access to the evidence room, and misconduct or theft is suspected, an inventory of evidence/property shall be made by an individual not associated with the property room or function to ensure that records are correct and all evidence/property is accounted for.
3. A random audit of evidence held by the Department shall be conducted on an annual basis by a third party auditor (as appointed by the Director of Support Services) not routinely or directly connected with the Property and Evidence Bureau.
4. Unannounced inspections of evidence storage areas shall be conducted monthly as directed by the Evidence Custodian (Property Evidence Bureau Sergeant).
5. Any inspection or audit of the Property and Evidence Bureau will consist of a minimum of 12 items of property/evidence.

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Records Maintenance and Release

805.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the California Public Records Act (CPRA) and other applicable laws and legal decisions, by which Sheriff records may be inspected by the news media and the public, without compromising the legal rights of any individual, the public, news media representatives or the criminal justice system.

805.2 POLICY

It is the policy of the Orange County Sheriff's Department to comply with the State and Federal law regarding disclosure of Sheriff records (Government Code § 7920.000 et seq.). This policy should be interpreted in a way that is most consistent with Government Code section 7920.000 et seq. and Penal Code section 832.7. CPRA requests may be made orally or in writing. Persons making CPRA requests are not required to identify themselves or state the reasons why they want the records, although arrangements should be made to notify the requester of the Department's response to his/her request.

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

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

1. Managing the records management system for the Department, including the retention, archiving, release, and destruction of Department public records.
2. Maintaining and updating the Department records retention schedule including:
   (a) Identifying the minimum length of time the Department must keep records.
   (b) Identifying the Department division responsible for the original record.
3. Establishing rules regarding the inspection and copying of Department public records as reasonably necessary for the protection of such records.
4. Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
5. Establishing rules regarding the processing of subpoenas for the production of records.
6. Determining how the Department's website may be used to post public records in accordance with Government Code § 7922.545.
7. 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.
8. Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request. This list and description are posted on the County of Orange's website.

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805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Department Member, except for personnel from the Coroner Division, who receives a request for any record shall route the request to the Records Division CPRA Unit. Coroner's related requests for records shall be routed directly to the Coroner Division for processing.

805.4.1 REQUESTS FOR RECORDS

Public records are open to inspection during the Department's regular office hours and every person has a right to inspect any public record, except those records or portions thereof that are exempted by law. The Department shall provide a copy of non-exempt public records upon request that reasonably describes each record sought and upon payment of any direct costs of duplication or associated fees (Government Code § 7922.530).

805.4.2 RECEIVING CPRA REQUESTS

CPRA requests may be made in writing, via electronic mail, or orally. Written CPRA requests should be sent or directed to the Records Division at:

Orange County Sheriff's Department
ATTN: Records Division/CPRA Request
320 North Flower Street
Santa Ana, CA 92703

E-mailed CPRA requests should be sent to: prarequests@ocsheriff.gov. Oral CPRA requests should be directed to or transferred to the Records Division at: (714) 834-3223 or (714) 834-4497. If requester does not wish to be transferred, the Member who receives the oral CPRA request shall document the request and immediately forward it to the Records Division.

The processing of requests for any record is subject to the following (Government Code § 7922.530):

1. The Department is not required to create records that do not exist.
2. If the Department can reasonably construct the requested record through data compilation, extraction, or programming, then the requester is required to pay for the cost of producing the record before the Department begins any data compilation, extraction, or programming. (Government Code § 7922.575.)
3. When requesting information under Government Code section 7923.600 et seq, 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).
4. The Department shall determine whether it has responsive records 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

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Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response. (Government Code § 7922.535)

(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. (Government Code§ 7922.540).

5. Upon request, a record shall be provided in an electronic format utilized by the Department. (Government Code § 7922.570).

6. 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.

7. 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 (Government Code § 7922.000).

8. After the CPRA request has been completed, staff responsible for checking CPRA requests each day shall forward a hard copy of the original request, all responsive records and the Department's written response to the requester to the Quality Assurance unit to be imaged for retention in accord with the Department's records retention schedule.

805.5 GENERAL CPRA REQUEST RELEASE RESTRICTIONS

Examples of release restrictions include:

1. Social Security numbers (Government Code § 7922.200).

2. Personnel records, medical records, and similar records, when disclosure would result in an unwarranted invasion of personal privacy (Government Code § 7927.700).Peace officer personnel records not subject to disclosure under Penal Code section 832.7, subd (b) (Penal Code § 832.7(a); Penal Code § 832.8; Evidence Code § 1043 et seq.).

3. Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).

(a) Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy

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of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

(b) 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)).

4. 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.

5. 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.

6. Certain types of records involving but not limited to child abuse or neglect reports to the Social Services Agency (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

7. 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).

8. Information contained in applications for licenses to carry firearms that indicates when or where the applicant is vulnerable to attack or which contains medical or psychological information (Government Code § 7293.800).

9. 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.

10. Any record created exclusively in anticipation of existing or potential litigation involving this Department (Government Code § 7927.200).

11. Records relating to the security of the Department's electronic technology systems, if, on the facts of the particular case, disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system (Government Code § 7929.210).

12. A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).

13. 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).

14. 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

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juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).

15. Member's personal data or information, e.g., home address, telephone numbers, identities of family members.
16. Information where there is a "specific, articulable and particularized" reason to believe that disclosure would pose a significant danger to the safety of the Member or another.
17. Information where, on the particular facts of the case, the public interest in not disclosing the information clearly outweighs the public interest in disclosing it (Government Code § 7922.000).
18. Information where disclosure would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation. (Government Code §§ 7923.605; 7923.610; 7923.615)

805.6 CPRA REQUESTS FOR RECORDS PURSUANT TO PENAL CODE § 832.7(B)(1)

It is the responsibility of the Division Commander of the employee under investigation to determine whether a record is disclosable under Penal Code section 832.7, subd. (b). This determination shall be noted on the Internal Investigation Administrative Worksheet.

When the Department receives a request for records subject to Penal Code section 832.7, subd. (b), Internal Affairs shall locate the applicable records and provide to the Custodian of Records only those files determined to be disclosable under Penal Code section 832.7, subd. (b).

Records relating to the categories below shall not be confidential and shall be made available for public inspection.

1. An incident involving the discharge of a firearm at a person by a peace officer.
2. An incident in which the use of force by a peace officer against a person resulted in death or great bodily injury.
3. An incident in which a sustained finding was made that a peace officer engaged in sexual assault involving a member of the public.
4. An incident in which a sustained finding was made of dishonesty by a peace officer including but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing evidence directly relating to, one of the following:
    (a) the reporting, investigation, or prosecution of a crime; or
    (b) the reporting of, or investigation of misconduct by another peace officer.
5. An incident in which a sustained finding was made involving force that is unreasonable or excessive, and any sustained finding that an officer failed to intervene against another officer using clearly unreasonable or excessive force.
6. An incident in which a sustained finding was made of unlawful arrest and unlawful searches.

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7. An incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in conduct involving prejudice or discrimination on the basis of specified protected classes.

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.

Records to be released include all investigative reports (including Initial Crime Reports, Internal Affairs Reports and Internal Criminal Reports); photographic, audio and video recordings and evidence; interview transcripts or recordings; autopsy reports; all materials presented to the District Attorney's Office or any person or body charged with filing criminal charges against a deputy in connection with an incident; all materials presented to any person or body charged with determining whether the deputy's actions were within policy for purposes of discipline or administrative action, including, but not limited to, all disciplinary records such as any letters of intent to impose discipline, any modifications of discipline due to the Skelly or grievance process and documentation reflecting final imposition of discipline or reflecting implementation of corrective action.

805.7 RELEASE RESTRICTIONS FOR RECORDS SUBJECT TO RELEASE UNDER PENAL CODE § 832.7(B)(1)

It is the responsibility of the Custodian of Records to review responsive records for applicable redactions. The following information shall be redacted from records to be released pursuant to a request under this section:

1. Personal data or information such as home address, phone numbers, identities of family members, but not names and work related information of peace officers.
2. Information about the identity of whistleblowers, complainants, victims, and witnesses.
3. Confidential medical, or financial information.
4. Other information where the disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in disclosure.
5. Where disclosure would pose a significant danger to the physical safety of the officer or another person based upon a "specific, articulable, and particularized" belief.
6. Where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure.

805.8 CPRA INVOLVING MULTIPLE PEACE OFFICERS PURSUANT TO PENAL CODE § 832.7(B)(1)

If an investigation or incident involves multiple peace officers, information about allegations of misconduct by, or the analysis or disposition of an investigation of, a peace officer shall not be released unless it relates to a finding regarding that officer that is itself subject to disclosure.

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Factual information about the action of a peace officer during an incident, or the statements, of a peace officer about an incident, shall be released if the action or statements are relevant to a finding against another officer that is subject to release.

805.9 CPRA REQUESTS FOR A CIVILIAN COMPLAINT PURSUANT TO PENAL CODE § 832.7(B)(9)

A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint, shall not be released pursuant to Penal Code section 832.7(b)(9) if the complaint is frivolous, as defined in Section 128.5 of the Code of Civil Procedure, or if the complaint is unfounded.

805.10 CPRA REQUESTS FOR AUDIO AND VIDEO RECORDINGS OF CRITICAL INCIDENTS (AB 748)

Within the limitations of Government Code section 7923.625, audio and video recordings of critical incidents shall be released pursuant to a request under the California Public Records Act.

805.11 RELEASE RESTRICTIONS FOR AUDIO AND VIDEO RECORDINGS OF CRITICAL INCIDENTS

The Department may redact portions of the video if the public interest in nondisclosure clearly outweighs the public interest in disclosure because the release of the recording would violate the reasonable expectation of privacy of a subject depicted in the recording. Redactions may include blurring or distorting images or audio, but shall not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording and the recording shall not otherwise be edited or altered.

Recordings may be withheld from release in their entirety if a person depicted in the recording has a reasonable expectation of privacy that cannot be adequately protected by redacting the recordings and that interest outweighs the public interest in disclosure Government Code § 7923.625(b)(1). Notwithstanding any privacy rights of the person depicted, the recordings shall be promptly disclosed to:

1. The person depicted in the recordings, or his/her representative. Government Code § 7293.625(b)(2)(A),
2. The parents or guardian of a minor depicted in the recordings. Government Code § 7923.625(b)(2)(B), or
3. The heirs, beneficiaries, designated family member, or legal representative of a deceased person depicted in the recordings. Government Code § 7923.625(b)(2)(C).

805.12 NOTIFICATIONS TO MEMBERS AND SEPARATED MEMBERS

When the Department receives a CPRA request for records under Penal Code § 832.7 and Government Code § 7923.625 and the Department identifies the Members with records subject to disclosure, the Members shall receive an email notification about the pending CPRA request with a cc on the email to the Executive Director of AOCDS and/or ACLEM. The email notification shall include a copy of the CPRA request.

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Members with records subject to disclosure under Penal Code § 832.7 and Government Code § 7923.625 shall receive an email notification 7 calendar days prior to the release of any records, with a cc on the email to the Executive Director of AOCDS and/or ACLEM. The email notification shall include a link to the records to be released.

For separated Members, the SAFE Division shall obtain a link to the records to be disclosed from the Records Division and send a notification to the separated Member's last known email address or, if an email address is not known, to the separated Member's last known home address 7 calendar days prior to the release of any records. The Executive Director of AOCDS and/or ACLEM, and the Records Division CPRA unit shall be notified via email, either as a cc on the email to the separated Member, or directly if the Member is notified by letter. The notification shall include contact information for the Records Division for the separated member to call for questions regarding the records to be disclosed.

Any concerns may be brought to the attention of the Undersheriff or Assistant Sheriff of the Professional Services Command for review.

805.13 DELAYED DISCLOSURE AND WRITTEN UPDATES TO THE REQUESTER

There are circumstances set forth in Penal Code § 832.7 and Government Code § 7923.625 under which disclosure may be delayed within certain timeframes. If disclosure is delayed, there is specific information that is to be included in a written update to the requester. The Records Division CPRA unit shall keep track of the timeframes and shall provide any necessary written updates to the requester.

805.14 DEFINITIONS OF TERMS FOR RECORDS SUBJECT TO RELEASE UNDER PENAL CODE § 832.7 AND GOVERNMENT CODE § 7923.625

Critical Incident: An incident involving the discharge of a firearm at a person by a peace officer, or an incident in which the use of force by a peace officer against a person resulted in death or great bodily injury.

Great Bodily Injury: A bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ. Because Penal Code section 832.7 and Government Code section 7923.625do not define "great bodily injury," the Department is using the definition of serious bodily injury in Government Code section 12525.2.

Member of the Public: For the purposes of Penal Code section 832.7, subd. (b)(1)(B),any person not employed by the officer's employing agency and includes participants in a cadet, explorer, or other youth program affiliated with the agency.

Sexual Assault: The "commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault." Penal Code § 832.7(b)(1)(B)(ii).

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Sustained Finding: 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 Sections 3304 and 3304.5 of the Government Code, that the actions of the peace officer were found to violate law or department policy." Penal Code § 832.8(b).

Personnel Records: Any file maintained under that individual's name by his or her employing agency and containing records relating to any of the following: Personal data, including marital status, family members, educational and employment history, home addresses, or similar information; Medical history; Election of employee benefits; Employee advancement, appraisal, or discipline; Complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties; and any other information the disclosure of which would constitute an unwarranted invasion of personal privacy. Penal Code § 832.8(a).

Unfounded: An investigation clearly establishes that the allegation is not true. Penal Code § 832.8(c).

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Narcotics Analyzer

803.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the use of the TruNarc Handheld Analyzer, which is designed for trained Members to conduct a scan of narcotics to obtain clear and definitive results for identification.

803.2 POLICY

It is the policy of the Orange County Sheriff's Department to use the TruNarc Handheld Analyzer, hereafter referred to as the TruNarc Analyzer, to provide documentary evidence of chemical identifications. This handheld narcotics identification system analyzes most substances through sealed packaging and provides clear, definitive results. Members who have received department approved training on the use of the TruNarc Analyzer, shall be authorized to utilize this device to identify substances believed to be illicit drugs.

803.3 DEFINITIONS

Spectrum- A graphical representation of the wavelengths of light that a substance emits when it is stimulated by light energy.

Cutting Agents- A chemical or substance used to "cut" (dilute) an illicit drug with something less expensive than the drug itself.

Precursors- A substance produced primarily for use, or likely to be used, in the manufacturing of a controlled substance or narcotics.

803.4 PROCEDURES

Unauthorized use of the TruNarc Analyzer is prohibited.

(a) Members shall attend and successfully complete training approved by the department on the use of the TruNarc Analyzer prior to utilizing the device.

(b) Members shall not dismantle, tamper, or remove the TruNarc Analyzer from the designated assigned station without prior approval of the on-duty shift supervisor.

(c) The TruNarc H-Kits (Ethanol Vials) shall not be utilized.

803.5 RESPONSIBILITIES

1. The TruNarc Administrator shall be designated by the Investigations Commander or designee and shall have oversight responsibilities of the device to include, but not limited to:
    (a) Operation and user administration of software.
    (b) Policy and procedures review and evaluation.
    (c) System evaluation.
    (d) Preparing, conducting and documenting training on the device.

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(e) Coordinating the diagnosis and repair problems/malfunctions with the TruNarc Analyzer.

2. Members utilizing the TruNarc Analyzer shall be responsible for the following:

   (a) Ensuring the battery is fully charged and operating properly.

   (b) Documenting the use and results of the TruNarc Analyzer in the narrative of the incident report.

   (c) Members will immediately report any damage or malfunction of the TruNarc Analyzer to their immediate supervisor.

3. Safety:

   (a) Use laser safety glasses accompanying the device to avoid exposure to laser radiation within the 14- inch (35 cm) hazard zone. Use laser safety eyewear of an optical density (OD) greater than 3 at 785 nm.

   (b) Do not operate the TruNarc Analyzer if the laser aperture is cracked. When the laser aperture is cracked, the instrument's laser beam is collimated rather than divergent, and the laser is no longer safe to operate under any circumstances. If the laser aperture is cracked, take the instrument out of service and contact an immediate supervisor.

   (c) Do not point the instrument at the eyes of other people.

   (d) Do not look at the laser aperture when the laser is on. Keep your eyes outside the laser's Hazard Zone, approximately 14 inches measured from the laser's aperture.

   (e) Members will not utilize the TruNarc Analyzer to conduct scans of known or suspected explosive materials.

4. Operators of the TruNarc Analyzer:

   (a) Shall utilize all necessary personal protective equipment, such as eye protection, nitrile gloves, and N-95 mask, to ensure their safety while handling evidence.

   (b) Shall utilize alcohol swabs to clean the TruNarc Analyzer's nose cone prior and after conducting a scan.

   (c) Shall conduct a Self-Check of the TruNarc Analyzer prior to conducting a scan of materials to ensure the unit is working properly.

   (d) Users will document all scans of the TruNarc Analyzer to include;

      1. Serial number
      2. Scan number
      3. TruNarc scan date and time
      4. Self-check
      5. Scan results
      6. Battery level (Fully Charged)

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7. Member's name
8. Member's PIN number
9. Agency report number
10. Download scans

(e) Members who obtain a positive result for the presence of drugs shall print TruNarc reports of the Self Check Scan and the scan noting the positive identification.

1. The printed TruNarc self-check and positive results shall be booked into evidence prior to the Member going off-duty unless otherwise approved by a supervisor.
2. The Member shall attach the TruNarc report to the respective report within FBR. In the event FBR is offline, and a paper report will be generated, the TruNarc results should be printed and submitted to Records with the original paper report.

5. Repair Procedures

(a) Members shall immediately report any problems with the TruNarc Analyzer to their immediate supervisor.

(b) Upon notification, the supervisor shall contact the TruNarc Administrator to take proper measures to correct the issue.

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CopLogic On-line Reporting

807.1 PURPOSE

To establish guidelines and procedures to determine when and how the On-line Reporting System shall be used.

807.1.1 POLICY

It is the policy of the Orange County Sheriff's Department to use CopLogic to provide On-line Reporting Services to the community.

807.2 PROCEDURE

CopLogic shall be utilized for "cold calls", those where there are no known suspects, no known forensic evidence, and would not normally lead to an active investigation. The following crimes and reports may be referred to the On-line Reporting System:

1. All petty/grand thefts without suspect information, excluding firearms and materials threatening to public safety, i.e., explosives or highly toxic substances. No specific dollar loss limit is specified. The Reviewer shall determine if the dollar loss justifies a report in person (counter or dispatch).
2. Auto burglaries without suspect information.
3. Garage burglaries without forced entry or suspect information.
4. Vandalism without suspect information, which is not a Hate Crime.
5. Annoying telephone calls without suspect information.
6. Lost property reports.
7. Hit and run accidents without a valid suspect license plate or current location of suspect or suspect vehicle.
8. Identity Theft without a local suspect.
9. If field personnel are dispatched to a location, and the information indicates that this could be handled by an On-line Report, they shall take the report for that incident and inform the reporting party that this type of call can be reported on-line in the future.
10. Supplementals shall be allowed for both on-line reports and Deputy-submitted reports.
11. Assist Outside Agency (AOA) or courtesy reports for lost or stolen property only.

807.2.1 COMMUNICATIONS PERSONNEL RESPONSIBILITIES

1. When Communications personnel receives a call from a citizen wishing to report an incident, the Communications Dispatcher shall determine if the call falls within the scope of on-line reporting. If so, Communications personnel shall:
    (a) Determine if the citizen has Internet access.
    (b) Inform the caller that on-line reporting is available as an option which allows them to file the report immediately, as well as print a copy of the report for free.

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(c) Advise the caller of the link on the Sheriff's Internet page where they can access the On-line Reporting System.

2. If the call screener determines the report is not suitable for on-line reporting based on the listed criteria or if the citizen refuses or is unable to submit an on-line report, they shall enter the call into the CAD system for normal dispatching.

807.2.2 AUTHORIZED REVIEWER

Sworn, or non-sworn staff, as determined by the Records & Property Division Director, will be authorized to approve reports. Once approved or rejected, an electronic version shall be sent electronically to the Imaging Server for permanent retention and storage. Only an approved copy shall be emailed to the appropriate Investigations group for handling.

807.2.3 REVIEWERS RESPONSIBILITIES

1. The Reviewer shall review, return, reject, and approve reports in a timely manner, but always within five business days, using the On-line Reporting System. Instructions for reviewing reports shall be provided to the Reviewers by Systems. If the citizen report is misclassified, such as vandalism, instead of an auto burglary, the Reviewer shall classify the report according to the elements of the offense described by the citizen author and pursuant to current policies and procedures, including but not limited to Training Bulletins, Department's Operations and Procedures Manual, and the National Incident Based Reporting System (NIBRS) guidelines.
2. The Reviewer shall refrain from making grammatical corrections to citizens' reports, unless they are minor in nature, such as, "California" spelled as "Calefournia," etc. The Reviewer may add more notes to the Narrative for clarification, but not delete any entry by the Submitter. If the Reviewer determines the Incident Type was misclassified, it may be modified to fit the most appropriate section.
3. If there is a question as to the report's content, the Reviewer should attempt to contact the reporting citizen by telephone or email prior to rejecting the report and make the correction to the on-line Report.
4. If the citizen is reporting an incident that is minor in nature and occurred in another jurisdiction and the citizen is a resident of the OCSD jurisdiction, the report may be re-classified as an outside assist and approved. The Reviewer is responsible for sending a hard copy of the report to the assisted agency.
5. If a Reviewer rejects a report, the reason for rejection shall be appropriately and professionally noted in the rejection email which is sent to the citizen and a duplicate to a Department storage mailbox. The Training Manual shall specify reasons for rejecting an on-line report.
6. When, in the reasonable judgment of the Reviewer, circumstances indicate that an investigation is warranted, the Reviewer shall notify the Submitter to call in the incident for dispatching of a deputy to the location. In this circumstance, a rejection should be sent to the citizen and the Reviewer shall ill state in the rejection box that a response was recommended.
7. The on-line form shall indicate which fields are mandatory.

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Discovery Requests

814.1 INTRODUCTION

Legal discovery is the investigative phase of the pre-trial process that allows opposing parties to obtain information to help them build their claims or defenses. Discovery often involves an order for “document production,” broadly defined as a request for records in paper or electronic formats.

The United States Supreme Court has long held that evidence, which can possibly assist in the defense of an individual accused of a crime, must be disclosed to the attorney representing that individual. Failure to provide that information can result in the overturning of a conviction and for extreme violations of the rule, prosecution of violators of that rule.

The duty to make disclosure rests primarily with the prosecuting attorneys, but the Supreme Court has also held that information known to law enforcement agencies but never disclosed by those agencies to the district attorney, must nevertheless be imputed to the prosecution. *Brady v. Maryland* (1963), *Giglio v. United States* (1972), and Penal Code section 1054.5(b).

814.2 DUTIES OF PERSONNEL RESPONSIBLE FOR PROVIDING DISCOVERY

Orange County Sheriff’s Department (OCSD) personnel charged with responding to discovery requests from the District Attorney’s (DA) Office shall document and disclose all records that are requested, including potentially exculpatory information and witness credibility information, to the DA’s office within 15 days. The only exceptions to this disclosure are personnel records. A *Pitchess* motion is required for sworn Member's personnel records unless the personnel records are subject to disclosure under Penal Code section 832.7(b) (see Policy 805). A subpoena is required for professional staff Member’s personnel records. County Counsel shall be consulted prior to the release of any personnel records pursuant to a *Pitchess* motion or subpoena.

It is the role and responsibility of prosecutors and not OCSD personnel to reach conclusions regarding what shall be disclosed to a criminal defendant in the discovery process. However, OCSD personnel shall not, by either action or inaction, withhold material related to a case from a prosecutor responsible for that case.

814.3 USE OF DISCOVERY TRACKER APPLICATION

All discovery requests received from the DA’s office, in any format, must be processed using the Discovery Tracker application, located on OCSD’s Intranet, under *Services*. There are no exceptions.

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Legal Hold Policy

815.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the process for identifying, initiating, monitoring, and releasing Legal Holds.

815.1.1 DEFINITIONS

As used herein, the terms below shall have the following meanings:

Legal Hold: The suspension of routine destruction of records and any other documents when legal action is reasonably anticipated, including but not limited to litigation or governmental investigation.

Discovery: The process of identifying, locating securing, and producing information and materials for the purpose of obtaining evidence for utilization in the legal process. The term is also used to describe the process of reviewing all materials that may be potentially relevant to the issues at hand and/or that may need to be disclosed to other parties, and of evaluating evidence to prove or disprove facts, theories, or allegations.

Electronic Discovery (also called e-discovery): The process of identifying, locating, securing, and producing Electronically Stored Information (ESI) for the purpose of obtaining evidence for utilization in the legal process. The term is also used to describe the process of reviewing all ESI that may be potentially relevant to the issues at hand and/or that may need to be disclosed to other parties, and of evaluating evidence to prove or disprove facts, theories, or allegations.

OCSD Personnel: Includes all current Department Members, sworn and professional staff, Reserves, permanent, temporary, full-time or part-time.

Affected OCSD Personnel: All Department Personnel who are in possession or control of Department records that are the subject of a Legal Hold.

Evidence: Includes all records, whether in electronic or paper form, created, received, or maintained in the transaction of Department business, whether conducted remotely or on site. Evidence may include, but is not limited to, paper records and electronic records and data stored on hard drives of Department workstation desktops, laptops, personal computers, flash drives, CD-ROMs, memory sticks, tapes, zip disks, diskettes, PDAs or other mobile devices, including embedded data and metadata, regardless of location.

Electronically Stored Information (also called ESI): Includes all forms of electronic communications, including, but not limited to, images, instant messages (IMs), blogs, wikis, e-mail, word processing documents, calendars, spreadsheets, voice messages, videos, photographs, text messages, or information stored in PDAs or other mobile devices.

Anticipated Legal Action: Occurs when any "triggering event" puts you on notice of possible legal action. A triggering event may include, but is not limited to, correspondence from an individual or attorney threatening litigation, filing a claim, requests for information re: hiring/firing,

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decisions, Public Records Act (PRA) requests or sensitive information, referral of a case to Risk Management.

Actual Legal Action: Occurs when a lawsuit is filed in court, whether the County is a plaintiff or a defendant, or if there is some legal mandate in effect, e.g. court order, subpoena for records, etc.. Legal counsel will be involved at this point, either County Counsel or outside counsel.

Custodian of Records: A person that is knowledgeable in records management policies and procedures and provides administrative and physical safeguards for the protection of the Department's Records, including ESI. The Custodian of Records is responsible for retention, disposition/destruction, and access to relevant Records and ESI. This person provides direction on specific actions that need to be taken to preserve digital records without interrupting our business operations and can provide testimony by being actively engaged from the onset of a Legal Hold.

ESI Coordinator: Serves as a technical authority and can identify relevant data sources and articulate what actions are needed to preserve ESI. This person can also provide testimony by being actively engaged from the onset of a Legal Hold.

Core Preservation Team: Is comprised of Information Technology (IT) staff, who understand file formats Members use, the metadata, or hidden information in those files and serves as a liaison to the ESI in the execution of the Legal Hold and eDiscovery.

Spoliation: The destruction of records or properties, such as metadata, that may be relevant to ongoing or anticipated litigation, government investigation, or audit.

Record: Any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of Recording upon any tangible thing and form of communication or representation, including letters, words, pictures, sound, or symbols, or combinations thereof, and any Records thereby created, regardless of the manner in which the Record has been stored.

815.2 POLICY

A Legal Hold shall be initiated and enforced when litigation or a government investigation is reasonably anticipated, requiring the Department and its Members to:

1. Suspend the normal and routine destruction of potentially relevant records (both electronic and paper) in a timely manner, and
2. Work cooperatively with the Custodian of Records (Director of Support Services Division) or his or her designee, the Electronically Stored Information (ESI) Coordinator (Support Services Systems Manager), S.A.F.E./RMB, and County Counsel in cataloging and maintaining all affected records.

815.3 SCOPE

1. The County Executive Office's Legal Hold policy shall supersede all other County policies, including the County Executive Office Electronic Records Management Policy, related to the destruction of records and information management and Department's records control/retention schedules.

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2. This policy works in concurrence with the County Executive Office Legal Hold Policy and is intended to uphold the rules of evidence that apply to a potential Discovery situation.
3. This policy applies to all Department Members, including executive management, sworn personnel, professional personnel, contractors, and reserves.
4. This policy covers all records, regardless of location or form, in the possession of the Department.
5. This policy describes the Department's objectives and policies regarding Legal Holds.

815.4 REFERENCES

1. County Executive Office Legal Hold Policy
2. County Executive Office Records Management Policy
3. County Executive Office e-Discovery Guidelines
4. OCSD Records Control/Retention Schedules
5. OCSD Confidential Information Policy 215
6. Peace Officer's Bill of Rights Act
7. Penal Code §§ 832.7(a) and 832.8(a) and (f)
8. Evidence Code § 1043 through 1045

815.5 AUTHORITY

A Legal Hold may be initiated by the Department or by legal counsel. Only County Counsel or outside legal counsel may release a Legal Hold.

815.6 PROCEDURES

1. A "Legal Hold" shall be initiated when actual legal action has been initiated or litigation or a government investigation is reasonably anticipated in the judgment of the Custodian of Records or S.A.F.E./RMB, in consultation with County Counsel or outside legal counsel. A Legal Hold means that records (paper and electronic) that are the subject of the Legal Hold must be preserved and may not be destroyed, even if otherwise permitted under Department's records control/retention schedules, until officially released from the Legal Hold by County Counsel or outside legal counsel.
2. Any Department Member who become aware of any Department-related actual or anticipated legal action, threat of litigation, claim, administrative action, other legal action, or an investigation by any administrative, civil, or criminal authority (such as through the receipt of notification or other information identifying the possibility of legal action or upon service of a summons and complaint) shall promptly notify the Custodian of Records or S.A.F.E./RMB. The Custodian of Records or a representative from S.A.F.E./RMB, in consultation with County Counsel or outside legal counsel, shall determine whether to initiate a Legal Hold and will help identify Affected Department Members and Records subject to the hold.

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3. The Custodian of Records and a representative from S.A.F.E./RMB shall communicate with each other in order to make necessary notifications of the Legal Hold and to ensure prompt action is taken to suspend destruction of all relevant records until the Legal Hold is released.

815.7 RESPONSIBILITIES

1. Custodian of Records
    (a) Assist in development and execution of the Legal Hold Policy and promulgation of operating procedures.
    (b) Confer with County Counsel or outside legal counsel early in the process and throughout the Legal Hold process to set clear goals and expectations to reduce risk.
    (c) Oversee and prioritize Legal Hold efforts to address relevant evidence most at risk for spoliation if quick action is not taken to preserve it.
    (d) Identify and contact, as early as possible, those who should be contacted for the timely preservation of relevant ESI related to the matter at hand.
    (e) Instruct all Members to produce electronic copies of their relevant active files.
    (f) Ensure that all backup media required to be retained is identified, segregated, and stored in a safe place.
    (g) Maintain an index of preserved ESI.
    (h) Actively monitor compliance with Legal Holds related to ESI.
2. ESI Coordinator
    (a) Designate Core Preservation Team.
    (b) Document how ESI is gathered, transported, analyzed, and preserved for production.
    (c) Document the methodology used in the forensic acquisition of ESI contained on storage media, such hard drive, and what occurred at each step during the ESI retrieval process.
    (d) Know where potentially relevant ESI is stored in active systems, backups, archival systems, and other locations, such as portable devices and third-party hosted systems.
    (e) Implement forensic and other collection methods to reduce the risk of spoliation and foul play in particularly sensitive matters.
    (f) Maintain an index of preserved ESI.
    (g) Actively monitor compliance with Legal Holds related to ESI.
3. Core Preservation Team
    (a) Assist in execution of the Legal Hold Policy related to ESI.
    (b) Directly assists and supports the Custodian of Records and ESI Coordinator.

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(c) Maintain an index of preserved ESI.

(d) Actively monitor compliance with Legal Holds related to ESI.

4. S.A.F.E./RMB

(a) Assist in development and execution of the Legal Hold Policy and promulgation of operating procedures.

(b) Confer with County Counsel or outside legal counsel early in the process and throughout the Legal Hold process to set clear goals and expectations to reduce risk.

(c) Assist the Department and its Members in locating and preserving relevant records (paper and ESI).

(d) Oversee and prioritize Legal Hold efforts to address relevant evidence most at risk for spoliation if quick action is not taken to preserve it.

(e) Identify and contact, as early as possible, those who should be contacted for the timely preservation of relevant records (paper and ESI) related to the matter at hand.

(f) Ensure retention of Legal Hold policy, complaints, and investigative materials to meet compliance requirements.

(g) Coordinate and implement policy through organization's Departments.

5. Member responsibilities

(a) To understand and comply with the CEO's and the Department's policies regarding Legal Holds.

815.8 RECORD REPOSITORIES

1. File cabinets
2. Off-site storage warehouses
3. Desks of Members
4. Shared drives/Home directories
5. Hard drives
6. Servers
7. Backup tapes (when necessary to restore data for meeting the Department's needs during litigation)

815.9 MONITORING OF LEGAL HOLDS

During the life of a Legal Hold, the Custodian of Records in collaboration with a S.A.F.E./RMB representative shall periodically reevaluate existing litigation Legal Holds and to remind Affected Department Members of their continuing obligations to preserve records. They shall also be required to make any necessary revisions if the scope of discovery has been modified or as new issues or allegations are identified, or as new sources of records are deemed relevant.

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815.10 RELEASE OF A LEGAL HOLD

Depending on the circumstances, a Legal Hold may be for a very brief or long period of time, i.e. to satisfy a statute of limitations. Only County Counsel or outside legal counsel shall determine when a Legal Hold is to be released. Only after receiving notice from County Counsel or outside legal counsel shall the Legal Hold be released.

815.11 VIOLATIONS

It is a violation of this policy to destroy, alter, withhold, or obscure evidence once a Legal Hold has been initiated.

Additionally, it is a violation of law to destroy or conceal any book, paper, record, instrument in writing, or other matter or thing willfully and with intent to prevent it from being produced in evidence. Pen. Code § 135

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Chapter 9 - Custody

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Alternative to Confinement

900.1 ALTERNATIVE TO CONFINEMENT

The Alternative to Confinement policy seeks to maximize custody bed space through alternative custody programs for eligible inmates. These programs consist of the Community Work Program, the Conservation Camp, and the Electronic Monitoring Program.

These programs are authorized under California Penal Code (CPC) sections 1203.017, 1203.018, 2057, 4024.2, 4024.3, and Orange County Board of Supervisors' Resolutions 82-553, 12-137, and 14-064.

900.2 COMMUNITY WORK PROGRAM

Per California Penal Code section 4024.3 and Board Resolution No. 14-064, the Sheriff is authorized to have a mandatory Community Work Program (CWP) for qualified inmates when the average daily inmate population is 90 percent of the jail system's rated capacity. The average daily jail population is the average total number of inmates computed on an annual basis.

If the average daily inmate population is below 90 percent of the jail system's rated capacity, California Penal Code section 4024.2 and Board Resolution No. 82-553 authorize the Sheriff to have a voluntary Community Work Program for qualified inmates.

Board Resolution 14-064 authorized an administrative fee of $90 to be charged to participating inmates. The authority to collect these fees as provided in CPC 4024.2(e) and CPC 4024.3(f) has been repealed as of July 1, 2021. Administrative fees are no longer collectable.

Inmates who participate in CWP will serve their sentences by performing manual labor, in lieu of confinement, on the public works or ways. Any inmate who is not able to perform manual labor because of a medical condition, physical disability, or age, may participate in a work release program involving any other type of public sector work that is designated and approved by the Sheriff or the Sheriff's designee.

Any violation of law or work program rules may be handled in the following manner:

(a) Minor Violation (informal reprimand punishable by counseling or denial of privileges).

(b) Major Violation (written jail incident report including a disciplinary hearing, punishable by loss of privileges, loss of good time, removal from CWP, and/or placement in Special Management Unit).

(c) Discharge from worksite by worksite supervisor with no work credit received for the day.

(d) Removal from Community Work Program and return to custody. Removal from CWP will be documented in the CWP Portal.

(e) Citation.

(f) Crime Report.

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Inmates may use the jail grievance process to grieve a condition in, or their removal from, the work program. Inmates assigned to CWP will be provided an inmate grievance form as soon as possible when requested.

900.2.1 REQUIREMENTS FOR PARTICIPATION

Inmates in all facilities will be screened for program qualification. Inmates to be screened fall into two categories:

(a) Weekenders

(b) Straight time inmates: Includes all inmates with commitments of more than five (5) days and no more than three hundred and sixty-five (365) days, to their release date.

The court may restrict or deny a person's eligibility for the program, but the courts cannot require the Sheriff to assign a person to the program if the Sheriff or the Sheriff's assigned CWP staff has concluded that the person is unfit for release to the program.

Inmates assigned to CWP will perform eight (8) to ten (10) hours of labor in lieu of one day of confinement. Inmates who participate in CWP are eligible for good time/work time credit under CPC 4019.

With supervisor approval, inmates residing out-of-county may be assigned to CWP. This exception will be based on the inmate's ability to report to the worksite.

Various forms of information are used while screening inmates for CWP. This information may include but is not limited to the following:

1. Current/Prior charges:

i. Any inmate currently arrested for, or previously convicted of, a serious or violent felony as defined in CPC 1192.7(c) and CPC 667.5(c) will be disqualified.

ii. Any inmate currently required to register as a sex offender pursuant to CPC 290 will be disqualified.

iii. Any inmate currently charged for sex-related offenses not specified under CPC 290 will be disqualified.

iv. Any inmate currently arrested for, or previously convicted of, CPC 136.1 where punishment is imposed pursuant to subdivision (c) of section 136.1, Section 262, 273.5, or 422 where the offense is punished as a felony, or Section 646.9, will be disqualified.

v. Any inmate currently arrested for CPC 243(e)(1), or CPC 273.6 will be disqualified.

vi. Any inmate currently arrested for, or previously convicted of, any of the following violations will be disqualified – CPC 653f, 245(a)(4), 210.5, 273.5, 140, 148.10, 422.7, 368(b), 289(b), (d) or (e), 286(f), (g) or (i), 288a(f), (g) or (i), 267, 236.1(a), (b) or (c), 273(a), 18740.

2. Interview of inmate (one on one in-person interview)

3. Criminal history/sophistication

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i. Any inmate who, based on their classification interview, was classified as a GP-4 or higher will be disqualified.

ii. Any inmate who, despite having met the criteria specified in subsection (1), is determined by CWP staff to have a criminal history which precludes his/her participation in the program may be disqualified.

(a) Additional factors which may lead to disqualification include but are not limited to past arrests for serious/violent felonies, documented history of gang membership, participation in jail/prison politics or past failure to complete work programs. Any disqualification based on these additional factors must be approved by the CWP Sergeant.

4. Personal references (two CA residence references not living in the same household).

5. Overall background (criminal records, institutional behavior).

6. Means of transportation (likelihood of reporting to a worksite and on time based on license status).

The same disqualifying factors are used for Weekender inmates as are set for straight time inmates; however, only current booking charges are taken into consideration.

Medical clearance is a requirement prior to being released to either the CWP or Weekender programs.

900.2.2 INJURIES

A medical aid report is required for all inmate injuries, minor, significant or serious.

900.2.3 REMOVAL FROM CWP

Examples of reasons for removal from the Community Work Program include but are not limited to:

(a) Repeated no-shows

(b) Poor work performance

(c) Violation of rules

(d) Creating a disturbance at the worksite

(e) Warrant

(f) Significant physical injury

(g) Inability to report to work

(h) Voluntary removal

Unless the court has issued an arrest warrant for retaking the person into custody, all non-voluntary returns to custody must be accompanied by an "Order to Retake Community Work Program Participant into Custody" signed by the Sheriff, the Sheriff's designee, or the Special Services Bureau Captain as required by CPC 4024.2(c)(2) and CPC 4024.3(c)(3).

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900.3 CONSERVATION CAMP

Pursuant to CPC 2057, the County of Orange and the California Department of Corrections and Rehabilitation (CDCR) have entered into an agreement authorizing the Sheriff-Coroner to permit County inmates to voluntarily participate in the CDCR Fire Camp Program.

Qualified inmates will serve their sentences by participating in the Conservation Camp Program (CCP) at designated California Department of Corrections and Rehabilitation (CDCR) Fire Camps.

Only previously screened and approved inmates may participate in the Conservation Camp Program. The CDCR shall confine and supervise adult male and female inmates who are transferred to the Conservation Camp Program pursuant to the terms and conditions of the contract between Orange County and the CDCR.

The inmates assigned to a CDCR Fire Camp will be confined and supervised in accordance with CDCR policies. The CDCR shall provide security and supervision of Orange County inmates consistent with CDCR policies.

Orange County inmates shall be subjected to an initial intake and annual program review to be conducted by the respective Camp Administrative Office to confirm initial and continued Fire Camp placement are appropriate.

All inmates assigned to the Conservation Camp Program shall participate in the Fire Camp programs, firefighter training, in-camp work assignments, and work at the Fire Camp, unless otherwise medically or administratively precluded. Inmates who refuse to participate in the Fire Camp Work/Training Program shall be returned to the Intake Release Center (IRC).

900.3.1 REQUIREMENTS FOR PARTICIPATION

After sentencing, inmates will be screened for participation in the Conservation Camp Program.

Male and female inmates must have at least six (6) months, but no more than five (5) years to serve on their sentence (projected at a two-for-one credit earning). Any sentencing outside of these parameters must be approved by the CDCR.

The court may restrict or deny a person's eligibility for the program, but the courts cannot require the Sheriff to assign a person to the program if the Sheriff, the CDCR, or the Conservation Camp Deputy has determined that the person is unfit to participate in the program.

900.3.2 CDCR EXCLUSIONARY CRITERIA

The Conservation Camp Deputy shall use various forms of information while screening inmates for the Conservation Camp Program. Disqualifying factors shall include the following:

(a) Length of sentence:
    1. Less than six (6) months, excluded from program
    2. More than five (5) years, excluded from program

(b) Charges:
    (a) Any charges under CPC 667.5 (violent felony)

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(b) Any charges under CPC 1192.7 (serious felony)

(c) If the inmate meets any of the CDCR's exclusionary criteria, the inmate is excluded from the program

900.3.3 MEDICAL/MENTAL HEALTH/DENTAL SCREENING

If the Conservation Camp Deputy determines that the inmate is eligible after the inmate's criminal history screening and interview, Correctional Health Services (CHS) staff shall conduct a physical examination of the inmate to recommend or deny participation in the Conservation Camp Program. CHS staff will use CDCR eligibility criteria; however, even if the inmate meets CDCR eligibility, CHS may deny an inmate's participation in the Conservation Camp Program based on the inmate's medical and/or mental health condition and/or history.

900.3.4 CONSERVATION CAMP REMOVAL OR RETURN OF INMATES

Inmates may be returned to the Orange County Jail for several reasons. Some examples of reasons for removing inmates from the Conservation Camp Program include but are not limited to:

(a) Sentence ending

(b) Poor work performance

(c) Violation of conservation camp rules

(d) Additional disqualifying charges

(e) Conservation camp supervisor recommendation

(f) Significant physical injury

(g) Voluntary removal

(h) Local/state/federal court appearances

The Orange County Sheriff's Department is responsible for transportation and costs thereof for local, state and federal court appearances. If sufficient advanced notice is provided, the CDCR will transport the inmate(s) to the designated Fire Camp to be picked up by Sheriff's Transportation.

900.4 ELECTRONIC MONITORING PROGRAM

Board of Supervisors' Resolution 12-137 authorizes home detention Electronic Monitoring Programs in accordance with Penal Code Sections 1203.017 and 1203.018 and the adopted rules and regulations governing the programs.

CPC Sections 1203.017 and 1203.018 authorize the Sheriff as the Correctional Administrator to establish an electronic monitoring program for both sentenced and unsentenced inmates under certain conditions. Under CPC 1203.017, sentenced misdemeanor inmates may be required to participate in an involuntary home detention program that includes electronic monitoring, due to lack of adequate jail space. Under CPC 1203.018, unsentenced misdemeanor inmates may voluntarily participate in a home detention program that includes electronic monitoring. Inmates must meet specific criteria before consideration. Although CPC 1203.018 includes unsentenced

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felony inmates, Board Resolution 12-137 limits the participants to unsentenced misdemeanor inmates.

The Sheriff or Sheriff's designee shall have the sole discretionary authority, consistent with the statutes and the rules and regulations of the electronic monitoring program, to review and determine eligibility to permit program participation as an alternative to physical custody.

Failure of program participants to comply with the established rules and regulations of the Electronic Monitoring Program may result in the program participant being retaken into custody. Willful failure of the program participant to return to the place of home detention prior to the expiration of any period during which he or she is authorized to be away from the place of home detention and unauthorized departures from the place of home detention are punishable as provided in CPC 4532.

The Sheriff may permit Electronic Monitoring Program participants to seek and retain employment in the community, attend psychological counseling sessions or educational or vocational training classes, or seek medical and dental assistance.

Any violation of law or rules and regulations of the program may be handled in the following manner:

(a) Report of violation of rules and regulations of the program

(b) Crime report

Violations of the rules and regulations of the program will be documented in the jail reporting system. Sanctions may be imposed for violations of the rules and regulations of the program, including retaking the participant into custody. The program participant may utilize the jail grievance process to appeal any disciplinary action against them.

900.4.1 ELECTRONIC MONITORING IN EMERGENCIES

In responding to any existing or imminent emergency endangering the lives of inmates in any county jail, under Government Code 8658, the Sheriff may remove the inmates from the institution. The Sheriff shall, if possible, remove them to a safe and convenient place and there confine them if it may be necessary to avoid the danger. If that is not possible, the Sheriff may release them. See Policy 901.

900.4.2 PROGRAM FEES

Board Resolution 12-137 authorizes an administrative fee to be charged to participating inmates. The authority to collect these fees as provided in CPC 1203.017 and CPC 1203.018 has been repealed as of July 1, 2021. Administrative fees are no longer collectable.

900.4.3 ELIGIBILITY CRITERIA

All participants placed on the Electronic Monitoring Program must successfully pass all areas of the screening criteria. Exceptions to this policy will be made only with authorization from the Sheriff or Sheriff's designee.

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The court may restrict or deny a person's eligibility for the program, but the courts cannot require the Sheriff to assign a person to the program if the Sheriff or the assigned EMP staff has concluded that the person is unfit for release to the program.

Sentenced Misdemeanor Inmates

(a) CPC 1203.017 authorizes that sentenced misdemeanor inmates may be required to participate in an involuntary home detention program, which shall include electronic monitoring, due to lack of adequate jail space.

(b) The Sheriff, as the Correctional Administrator, or the Sheriff's designee, shall have the sole discretionary authority, consistent with the statute and the rules and regulations of the program, to permit program participation as an alternative to physical custody.

(c) The court may recommend or refer a person to the Correctional Administrator for consideration for placement in the home detention program. The recommendation or referral of the court shall be given great weight in the determination of acceptance or denial. At the time of sentencing, or at any time the court deems necessary, the court may restrict or deny the defendant's participation in a home detention program (CPC 1203.017(e)).

(d) Participants shall receive any sentence reduction credits that they would have received had they served their sentences in a county jail. One day of program participation shall be in lieu of one day of incarceration.

(e) Inmates must have no Correctional Mental Health Holds to participate in the EMP.

Unsentenced Misdemeanor Inmates

(a) CPC 1203.018 authorizes that unsentenced inmates may voluntarily participate in an electronic monitoring program. To qualify for participation in the EMP, the inmate must be a minimum-security inmate with no holds or outstanding warrants and one of the following circumstances must exist:

    i. The inmate must have been held in custody for at least 30 days from the date of arraignment pending disposition of only misdemeanor charges (Penal Code Section 1203.018(c)(1)(A)).

    ii. The inmate is being held on only misdemeanor charges and the inmate is appropriate for the program based on a determination by the Correctional Administrator that the inmate's participation would be consistent with public safety interests (Penal Code Section 1203.018(c)(1)(C)).

(b) The Sheriff, or his/her designee, shall have the sole discretionary authority, consistent with the statute and the rules and regulations of the program, to permit program participation as an alternative to physical custody.

(c) Inmates must have no Correctional Mental Health holds to participate in the EMP.

The EMP staff uses various forms of information while screening inmates for EMP. This information may include but is not limited to the following:

(a) Current/prior charges.

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i. Any inmate currently arrested for, or previously convicted of, a serious or violent felony as defined in CPC 1192.7(c) and CPC 667.5(c) will be disqualified.

ii. Any inmate currently required to register as a sex offender pursuant to CPC 290 will be disqualified.

iii. Any inmate currently charged for sex-related offenses not specified under CPC 290 will be disqualified.

iv. Any inmate currently arrested for, or previously convicted of, CPC 136.1 where punishment is imposed pursuant to subdivision (c) of section 136.1, Section 262, 273.5, or 422 where the offense is punished as a felony, or Section 646.9, will be disqualified.

v. Any inmate currently arrested for CPC 243(e)(1), or CPC 273.6 will be disqualified.

vi. Any inmate currently arrested for, or previously convicted of, any of the following violations will be disqualified – CPC 653f, 245(a)(4), 210.5, 273.5, 140, 148.10, 422.7, 368(b), 289(b), (d) or (e), 286(f), (g) or (i), 288a(f), (g) or (i), 267, 236.1(a), (b) or (c), 273(a), 18740.

(a) Interview of inmate (one on one in-person interview).

(b) Criminal history/sophistication.

i. Any inmate who, based on their classification interview, was classified as a GP-4 or higher will be disqualified.

ii. Any inmate who, despite having met the criteria specified in subsection (1), is determined by EMP staff to have a criminal history which precludes his/her participation in the program may be disqualified.

(a) Work history (disclosure of prior employment required).

(b) Overall background (gang affiliation, probation status, past program failure, institutional behavior).

900.4.4 DISQUALIFYING FACTORS

During the screening process, staff will review the inmates' background for disqualifying factors. These factors may include but are not limited to:

(a) Propensity toward violence (past violence convictions)

(b) Deviant conduct (behavior that does not conform to social norms)

(c) Assaults (extensive history in-custody and outside of custody)

(d) Sex charges (no exceptions)

(e) Crimes against children (no exceptions)

(f) Domestic violence (convictions or active restraining orders)

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900.4.5 EMP REMOVAL

Examples of reasons for removing a participant from the Electronic Monitoring Program include but are not limited to:

(a) Violations of rules and regulations

(b) Warrant(s)

(c) Loss of permanent residence

(d) Court order

(e) Voluntary removal

900.4.6 WRITTEN NOTICE OF DENIAL OR REMOVAL

All persons referred or recommended by the court to participate in EMP who are denied participation, or all persons removed from EMP participation if the removal was not voluntary shall be notified in writing of the specific reasons for the denial or removal. The notice of denial or removal shall include the participant's appeal rights, as established by policy. (CPC 1203.017(d)(2), 1203.018(g)(2)). A copy of the written notice shall be forwarded to Inmate Records for inclusion in the inmate file. Persons denied or removed from participation in the EMP may use the jail grievance process to appeal the denial or removal.

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Early Release from Custody in an Emergency

901.1 EARLY RELEASE FROM CUSTODY IN AN EMERGENCY

Government Code Section 8658 gives the Sheriff the authority to conduct early releases from custody in any case in which an emergency endangering the lives of inmates has occurred or is imminent. The Sheriff shall, if possible, remove the inmates to a safe and convenient place and there confine them as long as may be necessary to avoid the danger, or, if that is not possible, may release them. There is no civil or criminal liability for acts performed pursuant to this law.

901.2 CRITERIA FOR EARLY RELEASE

The below listed crimes are used as a guideline when considering early releases from custody under Government Code Section 8658. These guidelines, approved by the Honorable Judge Kirk H. Nakamura as reasonable and non-binding on the Sheriff, were instituted on March 27, 2020 in response to the COVID-19 emergency.

Any deviations from these guidelines will require approval from the Sheriff.

An inmate does not qualify for early release if the inmate has a current arrest or previous conviction for the following crimes:

Crimes under the California Penal Code (CPC)

(a) A serious felony, as defined in CPC 1192.7(c), or a violent felony, as defined in CPC 667.5(c), but not including a violation of CPC 460(a) residential burglary.

(b) A violation of CPC 136.1 where punishment is imposed pursuant to CPC 136.1(c), CPC 262, CPC 273.5, or CPC 422 where the offense is punished as a felony, or CPC 646.9.

(c) A violation of CPC 243(e)(1).

(d) A violation of CPC 273.6 if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of, the protected party.

Those offenses of the following crimes that are not listed within the provisions of Penal Code section 667.5 (c) or 1192.7 (c):

(a) CPC 653f Solicitation to commit murder.

(b) CPC 245 (a)(4) Felony assault by means of force likely to produce great bodily injury.

(c) CPC 210.5 False imprisonment.

(d) CPC 273.5 Felony domestic violence resulting in a traumatic condition.

(e) CPC 140 Felony use of force or threats against a witness or victim of a crime.

(f) CPC 148.10 Felony resisting a peace officer and causing death or serious injury.

(g) CPC 422.7 Felony hate crime.

(h) CPC 368(b) Felony elder or dependent adult abuse.

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(i) CPC 289(b), (d), or (e) Sexual penetration.

(j) CPC 286 (f), (g), or (i) Sodomy.

(k) CPC 288a Oral copulation.

(l) CPC 267 Abduction of a minor for purposes of prostitution.

(m) CPC 236.1 (a), (b), or (c) Human trafficking.

(n) CPC 273(a)(b) Child abuse.

(o) CPC 18740 Possessing, exploding, or igniting a destructive device.

(p) CPC 290 Requirement to register as a sex offender.

(q) CPC 311.11 Possession of child pornography.

(r) CPC 273.6 or CPC 273.5 (misdemeanor conviction) Domestic violence.

901.3 EXPLICIT AUTHORITY OF THE SHERIFF

Only the Sheriff has authority to release under Government Code Section 8658. Only the Sheriff can authorize conditions contrary to this policy. When possible, these conditions will be issued in written memorandum. If that is not possible due to extenuating circumstances, the directive issued by the Sheriff verbally will be documented by the Assistant Sheriff of Custody Operations.

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Inmate Safety Checks

902.1 DEFINITION AND PURPOSE

1. An inmate safety check is a direct visual observation (i.e., direct personal view of the inmate/area without the aid of audio/video equipment), performed at random and varied intervals of each inmate located in an area of responsibility. The purpose of conducting inmate safety checks is to ensure there are no inmates displaying any obvious signs of distress requiring assistance, maintaining the safety and welfare of each inmate and ensuring the security of our facilities.
    (a) During inmate safety checks, deputies will check for obvious signs of life, which can include but are not limited to the following:
        1. Talking/eating
        2. Head movement (i.e., lifting their head from their mattress)
        3. Movement of the inmate's extremities
2. For an inmate who is sleeping or appears to be sleeping, deputies will check for obvious signs of trauma or distress as well as obvious signs of life.

902.2 DOCUMENTATION OF INMATE SAFETY CHECKS

Every inmate safety check will be documented in the most appropriate documentation log, (e.g., guard station log, module log, area log, or door log).

All guard stations responsible for securing inmates in a cell or dormitory will maintain a Safety Check Log. The Safety Check Log will be generated by guard station staff and begin at 0000 hours.

The documentation entry will include the name(s) of the personnel who conducted the inmate safety check and the actual starting times of each inmate safety check. The entry will also include appropriate details of the check and the conditions observed.

Some examples could be, but are not limited to:

1. No problems to report.
2. No unusual activity noted.
3. No suspicious activity observed.
4. Roof leaking in W-18. Sgt. X and Facility Manager notified.
5. Light is not functioning in courtroom 13 holding cell. Facility Manager notified.
6. Inmate X was found crying on bench. Stated, "Family trouble". No injuries observed, inmate transported back to jail facility. Court Operations Log entry made, Sgt. X notified court clerk, Presiding Judge, and CHS staff.

Each sergeant will check the logs in his/her area of responsibility to verify staff is properly documenting the inmate safety checks. Sergeants will also conduct random reviews of video footage to ensure that safety checks are properly performed. A notation will be made in the log with the sergeant's name and the time the log and video were checked.

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902.3 LATE INMATE SAFETY CHECKS

1. If it appears an inmate safety check cannot be conducted within the required time frame, the area sergeant will be notified as soon as possible, preferably prior to the time the check will be due. The sergeant will locate and assign available staff to complete the inmate safety check.

2. If an inmate safety check is not completed within the required time frame, staff must:

(a) Complete the inmate safety check as soon as possible.

(b) Notify the area sergeant as soon as possible.

(c) If staff is still not available to conduct the inmate safety check, advise the sergeant of the apparent conditions, including any unusual circumstances or activity, and continue to observe the area.

(d) Make an entry in the Safety Check Log describing the circumstances which caused the inmate safety check to be delayed, which sergeant was notified, and the information provided to the sergeant.

3. The sergeant will document the late inmate safety check in the log, including the reason the inmate safety check was late and any corrective action taken.

902.4 CONDUCTING INMATE SAFETY CHECKS

1. Deputies will conduct all inmate safety checks.

2. Deputies will conduct timely, thorough inmate safety checks. Due to the variety of housing designs within our facilities (modules, tanks, barracks, dorms, tents, holding cells, and areas such as dayrooms, showers, recreation and program related classrooms, etc.), methods of conducting inmate safety checks may vary. Inmate safety checks must be conducted in any area inmates are present, and from a location which provides a clear, direct view of each inmate. Deputies shall be close enough to each inmate to ascertain their presence and apparent physical condition. Deputies shall investigate any unusual circumstances or situations.

3. Inmate safety checks may not be conducted from a guard station. For linear style housing units, inmate safety checks must be conducted from the beach and the upper tier within the housing unit. In addition to the beach and upper tier, other locations for the inmate safety check may need to be utilized (e.g.: the guard corridor and rear-guard corridors) in order to ascertain the presence and apparent physical condition of every inmate.

4. Audio/visual electronic surveillance systems shall not be used to conduct inmate safety checks, but may be used to supplement and verify checks.

5. Diligent enforcement of the jail rules will help prevent inmates from covering lights or placing items which obstruct deputies' view. This will increase deputies' ability to do comprehensive visual inmate safety checks.

6. Inmate safety checks shall occur at random and varied intervals (CCR Title 15, Section 1027.5(d)-Safety Checks). To be random and varied, safety checks shall not be at exact forty-five (45) minute intervals but shall occur within forty-five (45) minutes of the previous inmate safety check.

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7. In the event an inmate safety check is needed, but immediate resources are not available, the staff members (Deputy, SSO, CSA) of the affected area will attempt to identify resources for completing the inmate safety check. In situations where an inmate safety check cannot be started or has been started but cannot be completed, the area sergeant will be notified as soon as possible and identify resources for ensuring the inmate safety check is conducted or completed without delay.
8. Anytime an inmate safety check is completed outside of the required time period, the staff members (Deputy, SSO, CSA) of the affected area will document an explanation and the name of the supervisor who was notified. The supervisor shall make a notation in the "Custody Operation Supervisor's Log" under the tab "Late Safety Check".
9. Facility specific inmate safety check information is located in the following sections of the Custody and Court Operations Manual:
    (a) Theo Lacy Facility – 7000
    (b) Central Women's Jail – 5000
    (c) Central Men's Jail – 4000
    (d) Intake Release Center – 3000
    (e) James A. Musick Facility – 6000
    (f) Court Operations – 10000-19000

902.5 INMATE SAFETY CHECKS/P.C. 4021

1. When an inmate is in a cell, at least one employee entering the cell shall be the same sex as the inmate in the cell (P.C. Section 4021)
2. P.C. 4021 does not preclude deputies of either sex from assisting each other or excuse them from ensuring a housing unit inmate safety check is completed.
3. Special Circumstances
    (a) A staff member of the opposite sex may enter the housing unit or cell under emergency circumstances to perform life saving measures when needed. Examples include, but are not limited to:
        - Medical Emergencies
        - Or any other life-threatening situation
        - Attempt Suicide
        - Natural Disasters
        - Riots/Assaults

902.6 FREQUENCY OF INMATE SAFETY CHECKS

1. Deputies will conduct inmate safety checks to verify the status of inmates in their area of responsibility within the following timeframes:

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(a) For all housing units, not otherwise specified in this policy, each inmate safety check must begin within forty-five (45) minutes of the beginning time of the previous inmate safety check.

(b) Any activity conducted by deputies in housing areas (i.e., Count, chow distribution, medication distribution, clothing exchange, commissary distribution, passing out mail, etc.) can be considered an inmate safety check if it meets the requirements of Department Policy 902 for an inmate safety check and the activity is performed for every inmate in the housing area. The activity will be documented accordingly (i.e., Medication Distribution/Inmate Safety Check, Commissary Distribution/Inmate Safety Check, Clothing Exchange/ Inmate Safety Check, etc.) in the guard station log.

(c) Designated Behavioral Health housing locations require each inmate safety check to begin within thirty (30) minutes of the beginning time of the previous inmate safety check. (This does not apply to Chronic Behavioral Health housing).

1. The following locations are currently designated as Behavioral Health housing however, this is subject to change based on the department's needs:

    - IRC Modules L, M and Module K
    - IRC Mental Health Unavailable Housing (Psychological Observation)
    - Medical Observation
    - Central Men's Jail-Sheltered Living
    - Central Woman's Jail-Medical Floor

(d) At all facilities, for inmates requiring a mental health referral, deputies will either directly monitor the inmate or provide inmate safety check(s) within fifteen (15) minutes of the beginning time of the previous inmate safety check on the inmate until they are seen by CHS. See Department Policy 903.3 for further details.

(e) Intake Release Center Module "S"- Each inmate safety check must begin within (30) thirty minutes of the beginning time of the previous inmate safety check. When there are no inmates housed in Module "S-2" checks can be conducted within (45) forty-five minutes of the beginning time of the last check for "S-1" housing.

(f) Safety Cell inmate safety checks must begin within fifteen (15) minutes of the beginning time of the previous inmate safety check. Requirements for using a safety cell are covered in Policy 903.6 Suicide Prevention.

(g) When the restraint chair is in use, staff will check the condition of each inmate in the chair by direct visual observation within fifteen (15) minutes of the beginning time of the previous check. A sergeant shall check the condition of any inmate in the restraint chair by direct visual observation within sixty (60) minutes of the beginning time of the last sergeant's check. Requirements for using a restraint chair are covered in CCOM 1800.3 – Restraint Chair.

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(h) At any Justice Center, each inmate safety check in detention must begin within (45) forty-five minutes of the beginning time of the previous inmate safety check, except as required in 902.6.I -902.6L below.

(i) At any Justice Center, when inmates are secured in a holding cell not in view of a guard station, each inmate safety check must begin within (30) minutes of the beginning time of the previous inmate safety check.

(j) At any Justice Center, when an inmate is secured in a holding cell, alone and out of view of other inmates, each inmate safety check must begin within (30) minutes of the beginning time of the previous inmate safety check.

(k) At any Justice Center, when juveniles are secured in a holding cell, an inmate safety check shall be performed at least twice every thirty (30) minutes.

(l) CJ1 – The Central Justice Center operates one courtroom (CJ1), with an adjacent Detention area, inside of the Central Men's Jail. Court Deputies will conduct inmate safety checks as follows inside CJ1 Detention:

  (a) Each inmate safety check in CJ1 Detention must begin within thirty (30) minutes of the beginning time of the previous inmate safety check.

  (b) If Court Deputies assigned to CJ1 are unable to conduct an inmate safety check, they shall request the assistance of Central Men's Jail Deputies to complete the inmate safety checks.

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Inmate Suicide Prevention

903.1 MENTAL HEALTH CARE SERVICES

The Correctional Mental Health Program is designed to screen, evaluate and treat inmates with mental health disorders/identifiers and/or inmates with an elevated risk of self-harm, and provide them with additional health resources in order to provide necessary on-site mental health treatment during their incarceration.

903.2 SELF-HARM AND SUICIDE PREVENTION

Orange County Health Care Agency (HCA), Correctional Health Services (CHS), and the Orange County Sheriff's Department have established a suicide prevention program, along with policy and procedures, that was created to assist CHS staff and Sheriff's personnel to identify, monitor, and provide treatment to inmates who present an elevated risk for self-harm or suicide.

(a) Mental Health/Suicide Prevention Training

1. Sworn staff, SSOs, CSAs, and Correctional Programs Personnel will receive annual Mental Health/Suicide Prevention training.
2. Staff members who are assigned to a Behavioral Health Housing Unit will receive additional quarterly Mental Health/Suicide Prevention training.
3. Suicide Prevention training includes, but is not limited to:

(a) Identifying the warning signs and symptoms, predisposing risk factors, verbal and behavioral cues of impending suicidal behavior and high-risk periods of incarceration. Training will include information regarding possible risk factors such as:

1. Immediately upon booking,
2. Pending release after a long period of incarceration,
3. Single cell housing,
4. Early stages of recovery from severe depression,
5. Having an acute episode of a serious mental illness,
6. After suffering humiliation (e.g. sexual assault, losing a position of status within the community, etc.) or rejection,
7. After the receipt of bad news regarding self or family (e.g. serious illness, loss of a loved one),
8. Following new legal problems (e.g. new charges, additional sentences, institutional proceedings, denial of parole),
9. Age (being very young or old),
10. First incarceration,
11. Level of intoxication or withdrawal from alcohol and other substances,

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12. Notice of Immigration Detention or Judicial Warrant

(b) Understanding the demographic and cultural parameters of suicidal behavior, including incidence and variations in precipitating factors,

(c) Responding to suicidal and distressed inmates,

(d) Communication between custody staff and CHS staff, including de-escalation skills to be used with inmates.

4. Screening

(a) At intake, CHS Mental Health Clinical Staff will conduct a mental health screening of inmates referred by a Receiving Screening nurse. For more information, reference CCOM Policy 2108.1 – Screening Process.

(b) Inmates who have been diagnosed with a severe mental illness, who are experiencing suicidal ideation with or without an active plan to engage in an act of self-harm, who are currently taking psychotropic medications, who have prior incarcerations in Mental Health Housing, and/or have a history of one or more suicide attempts (whether these attempts occurred in-or-out of OCSD custody) shall be referred by Triage Medical Staff to CHS Mental Health Clinical Staff for further evaluation.

5. Intake

(a) If an inmate or new booking is believed to be a suicide risk or has an elevated risk for self harm, deputies will immediately refer the inmate to CHS for evaluation.

(b) An inmate or new booking that has been identified as a suicide risk or has an elevated risk for self-harm shall not be allowed to retain any personal items that could be used to harm self, or aid in their attempt to commit suicide. Items such as belts and shoelaces shall be taken from the inmate prior to placing them into a cell.

6. Classification Staff Responsibilities

(a) If during a classification interview, an inmate has a mental health complaint or displays signs of a mental illness, or if Classification staff believe the inmate is a danger to themselves, a danger to others and/or gravely disabled, Classification staff will refer the inmate to CHS for evaluation.

(b) Classification staff and CHS staff shall coordinate the necessary CHS accommodations, restrictions and housing requirements for inmates by the use of the Correctional Health Services Inmate Health and Disability Notification Form (J-112/J-105A, paper form).

(c) Housing assignments for people at risk of suicide will be based on safety, environment and will follow the standards in CCOM Policy 1200 while collaborating with recommendations of CHS. For more information about Mental Health Housing, reference CCOM Policy 1203.3 - Medical and Mental Health Housing.

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(d) If CHS determines an inmate needs to be transferred or rehoused to Behavioral Health Housing from another facility, Classification staff will be notified and arrange transportation for that inmate as soon as possible (e.g. RT to the IRC from TLF).

(e) Suicide prevention screening will take place for known at risk inmates during special situations which may include a change in classification to a higher security classification.

7. Sheriff's Staff Responsibilities

(a) Staff must be mindful that any inmate at any time, regardless of being a new booking or an inmate who has been in-custody for an extensive period of time, could pose a danger to himself/herself and/or a danger to others.

(b) Staff will stay vigilant to common risk factors and identifiers of inmates who present an elevated risk for self-harm or suicide when conducting safety checks and during daily inmate interactions.

(c) Staff shall not ridicule, discourage or express doubt to an inmate who reports suicidal ideations.

(d) If at any time staff believes an inmate is at an elevated risk for self-harm, a danger to himself/herself, and/or a danger to others, they will immediately refer the inmate to CHS for evaluation.

1. If staff has been notified of a change in an inmate's risk factors, they will immediately refer the inmate to CHS for evaluation. This may also include when staff is aware an inmate had a bad visit or phone call. These risk factors may include but are not limited to:

(a) Exhibiting signs of abnormal mental health

(b) Disorientation

(c) Withdrawn

(d) For more information about referring an inmate to CHS, reference Department Policy 903.3 - Mental Health Referrals.

(e) If CHS determines an inmate needs to be placed in Mental Health Housing and/or requires involuntary medications, Deputies will provide the safety and security of the inmate and CHS staff during the transfer to Mental Health Housing or the administration of medication. For more information about involuntary medication, reference CCOM Policies 1804.7 - Involuntary Medication and 2111.2 - Medication Distribution or Administration.

(f) Staff Documentation

1. The "Health and Disability Notification Form" (J-112/J-105A, paper form) is used by Correctional Health Services (CHS) to communicate information to OCSD staff if an inmate requires specific medical or

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mental health accommodations and/or restrictions while housed or transported within the OCSD jail system.

2. For more information about incident documentation, reference CCOM Policies 1103.1 - Management Reports, 1703.2 - 24-Hours Jail Operations Log, and 2614.2 - Discovered Suicide/Attempt Suicide/Serious Injury and Department Policy 903.3 - Mental Health Referrals.

(g) Orange County Jail's Mental Health Hotline: The Mental Health Hotline is available twenty-four hours a day, seven days a week for the public to contact the Sheriff's Department with concerns regarding an inmate's mental health or behavior that may lead to self-harm.

1. Mental Health Advocacy pamphlets are available at public access locations of each jail facility explaining the purpose and process for the public to contact the Sheriff's Department with a Mental Health concern for an inmate in custody.

   (a) The Watch Commander's phone number for each facility is on these pamphlets.

2. If a deputy/SSO/CSA receives a phone call from a member of the public or from a government agency to report a mental health concern of an inmate, the staff member will place the caller on hold and transfer the call to the Watch Commander or Sergeant.

3. The Watch Commander or Sergeant will:

   (a) Immediately assign a deputy to check on the welfare of the inmate.

   (b) Call Correctional Health Services (CHS) with the inmate's information and relay the mental health concerns to CHS. CHS will perform a mental health assessment of the inmate.

   (c) Enter a synopsis of the incident into the Custody Operations Supervisor's Log under the Item Type/Classification drop down tab "Mental Health Hotline." The synopsis should include the following:

      (a) Name and booking number of the inmate.

      (b) Housing location of the inmate.

      (c) Name of the individual who called the "Mental Health Hotline" (if provided) and summary of the information provided by the individual.

      (d) The deputy assigned to check on the welfare of the inmate.

      (e) The name of CHS staff member that was notified.

      (f) The action(s) taken by the deputy.

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4. A multi-disciplinary administrative review of completed suicides and attempted suicides will take place as defined by the facility administrator, including the development of corrective action plan, if necessary, to address any deficiencies identified in the administrative review. For more information, refer to Department Policy 903.7. For further information regarding after-action, refer to CHS Policy 8500.

903.3 MENTAL HEALTH REFERRALS

If an inmate exhibits signs of self-harming behavior, reveals intent to cause self-inflicted physical harm, report(s) suicidal or homicidal ideation, or if staff has been notified of a change in an inmate's risk factors, the Deputy/Staff Member shall refer the inmate to CHS as soon as practical and advise them of the facts and circumstances surrounding the perceived or reported mental health crisis of the inmate.

(a) Prior to being seen by CHS, the inmate shall be separated from other inmates and Deputies will either directly monitor the inmate or provide inmate safety check(s) within 15 minutes of the beginning time of the previous check on the inmate until they are seen by CHS.

(b) A Deputy may escort the inmate to Triage to be seen by CHS, if appropriate.

(c) The Member (Deputy/SSO/CSA) making the referral shall immediately notify a supervisor.

(d) The Staff Member making the referral is responsible for ensuring that the following activity is recorded in the Guard Station logs:

1. Name and booking number of the inmate.
2. Date and time the supervisor was notified.
3. Date, time, and the name of CHS staff who was notified of the referral.
4. Date, time, and the name of CHS staff who evaluated the inmate.
5. Date, time, and name of CHS staff who determined whether the inmate needed further treatment and/or rehoused to a Behavioral Health Housing Unit.
6. Name and pin of the deputy who directly monitored the inmate and/or provided the safety check(s) on the inmate.
7. Start and end time of video footage, if applicable.

(e) The utilization of waist restraints and/or handcuffs for mental health referrals will be based on an individual assessment of the inmate by the Deputy handling the mental health referral. The following will be taken into consideration prior to the application of restraints, if any, or continuous application of a restraint while the inmate is pending a mental health referral and, if applicable, pending a mental health transfer into acute housing:

1. Classification status.
2. Staff safety.

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3. Physical security of the facility where the inmate is receiving treatment.
4. Inmate is determined to be at-risk of self-harm or violent behavior.
5. Inmate is at-risk of slipping restraints and using restraints as a strangulation device.
6. Notwithstanding any of the above, application of any restraint(s) shall be in accordance with the policies and procedures outlined in CCOM Section 1800 – Restraints and Emergency Response and CCOM Section 1203.1(c) – Inmate Security Procedures.

(f) The Deputy shall reassess the utilization of restraint devices on an individual inmate each time there is a significant change in the inmate's behavior, medical or mental health condition that would warrant a change in the use of restraints.

(g) Inmates should be seen by CHS within 30 minutes of the time of the referral and shall be monitored by CHS staff members until it is determined that the inmate no longer presents a risk of engaging in self-harm.

1. If CHS determines the inmate needs to be transferred to another jail facility for further treatment/evaluation, the inmate will be transferred to that facility as soon as possible.
2. Pending transfer, 15 minute safety checks will continue unless CHS determines that 30 minute safety checks are appropriate consistent with Department Policy Section 903.7(c)(3).

903.4 PSYCHIATRIC EVALUATION

(a) Correctional Health Services (CHS) is a division of the Orange County Health Care Agency (HCA). CHS staff members are responsible for providing 24-hour on-site mental health care services to inmates.

1. Correctional Health Services (CHS) will provide 24-hour per day coverage, 7 days per week.
2. Facilities that do not provide 24-hour CHS mental health coverage will refer the inmate to CHS to determine if the inmate needs to be transferred to a facility with 24-hour mental health coverage.

(b) Intake

1. All inmates, as a part of their intake medical screening interview/exam, shall have their mental health evaluated.
    (a) The Triage nurse will question inmates about their mental health, including self-harming behavior and present or past suicidal thoughts or attempts.
        1. Inmates identified as needing a more extensive evaluation will be referred to CHS Mental Health Clinical Staff.
2. If CHS determines that the inmate needs special restrictions or housing requirements, they shall complete a Health and Disability Notification form (J-112/J-105A form). A Copy of the J-112/J-105A shall be forwarded to

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Classification Staff and PMU for use in assigning an appropriate housing location. CHS shall work closely with Classification Staff in gathering and relaying information about the inmate and what safety precautions, if any, need to be taken.

(a) A copy of the J-112/J-105A form will go to the housing location of the inmate to notify staff of the inmate's health accommodations and/or restrictions prior to the inmate's arrival to the housing location.

3. Whenever an inmate is identified as exhibiting a mental health crisis, a physician's opinion shall be secured within 12 hours of identification or at the next daily sick call, whichever is earliest.

903.5 MENTAL HEALTH ACUITY LEVELS

Inmates with mental health needs are identified by CHS and Custody Operations through the use of mental health acuity rating system. Any inmate with an open mental health case will be assigned an "M-Rating" by CHS staff. The Acuity Levels identify inmates by severity and assist Classification staff to make appropriate housing assignments in addition to helping coordinate services by the mental health and medical teams. The Acuity Levels will be available to Custody staff through the Custody Center in ITRAC. For more information regarding Mental Health Acuity Levels and procedures, reference CCOM Policy 1204.4 - Mental Health Inmates.

Mental Health Acuity Levels are determined, reassessed, and/or rescinded by CHS Mental Health Clinical Staff or Prescriber.

903.6 SAFETY CELL

A safety cell is a single occupancy temporary housing unit constructed with padded surfaces and is designed to confine violent inmates to prevent imminent physical harm to themselves or others, or destruction of property.

(a) Placement Based on Correctional Health Services (CHS) Evaluation/Authorization

1. The Watch Commander may refer an inmate to CHS to be evaluated for placement in a safety cell. CHS has primary authority to determine whether an inmate will be placed in a safety cell. If there is a difference in opinion between CHS and the Watch Commander, the decision of CHS controls.

2. Required Authorization

(a) If, upon evaluation, CHS determines an inmate should be confined in a safety cell in order to prevent imminent physical harm to the inmate or others, or the destruction of property, then CHS will complete a written authorization for such placement.

(b) CHS will assess the inmate's medical and mental health prior to authorizing placement of an inmate in a safety cell.

1. After an inmate is authorized by CHS for placement in a safety cell, CHS should medically clear the inmate every 24 hours thereafter, until the inmate is removed from the safety cell.

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(c) In the event CHS is unable to conduct a medical and/or mental health evaluation at the time the inmate is authorized for placement in a safety cell, CHS policy is to conduct a medical assessment within 60 minutes of placement; a mental health assessment will occur within 12 hours of placement.

(b) Placement by Watch Commander

1. If CHS staff is unavailable to authorize placement of an inmate who the Watch Commander believes to present an imminent threat of harm to him/herself or others, or destruction of property, the Watch Commander may authorize the inmate to be placed into a safety cell.

2. The Watch Commander will document any authorization to place an inmate in a safety cell on the Custody Operations Supervisors Log. The Watch Commander should note the specific conduct that the inmate was engaging in that led to placement in the safety cell. The Watch Commander should also document any less restrictive means of restraint used to de-escalate the situation with the inmate, including, if applicable, the reasons why a particular less restrictive means of restraint was not used.

3. The Watch Commander shall ensure that CHS is notified, as soon as possible, of the placement of an inmate in a safety cell and ensure that the following events occur within the noted timeframes:

(a) A medical assessment within 12 hours of placement or at the next daily sick call, whichever is earlier. (CHS policy is to conduct a medical assessment within 60 minutes of placement; Title 15 provides for up to 12 hours of placement to conduct the medical assessment).

(b) A mental health evaluation within 12 hours of placement.

(c) A medical clearance every 24 hours following the initial assessment.

(c) Supervisor to be present at time of placement

1. A supervisor (a Lieutenant or Sergeant) will be present prior to placing an inmate in a safety cell and will remain until the inmate is secured inside the cell. If no supervisor is available at the time an inmate is placed in a safety cell, the supervisor shall check on the inmate that has been placed in the safety cell as soon as the supervisor becomes available.

2. When an inmate is placed in a safety cell, they will be given the following items or privileges while they are in the safety cell:

(a) A safety gown

(b) The opportunity to perform hand hygiene after using the toilet and before meals

(c) Access to toilet paper

(d) A mattress

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3. CHS or the Watch Commander may withhold a mattress and/or safety gown if deemed a safety hazard.

    (a) If the Watch Commander determines to withhold a mattress and/or safety gown from an inmate, the Watch Commander will notify CHS and will document the safety and security reasons for withholding any of the item(s) on the Custody Operations Supervisor's Log. CHS staff will document the safety and security reasons for withholding any of the items on a J-105A form.

    (b) If CHS staff determine to withhold a mattress and/or safety gown, CHS staff will notify the Watch Commander and will document the safety and security reasons for withholding any of the items on a J-105A form. The Watch Commander will document the safety and security reasons for withholding the item(s) on the Custody Operations Supervisor's Log.

(d) Safety Checks

1. Deputies will document their direct visual observation checks of the inmate in the safety cell on an Inmate Personal Safety Monitoring Form.

2. A deputy will conduct a direct visual observation check of each inmate in a safety cell within 15 minutes of the beginning time of the previous direct visual observation check. At least once during each assigned shift, the area sergeant shall review and sign the Inmate Personal Safety Monitoring Form to ensure the checks are being completed in a timely manner.

(e) Continued Retention in a Safety Cell

1. Continued retention of an inmate in a safety cell shall be reviewed by CHS at least every 4 hours from the time of initial placement. In the event CHS staff is unable to conduct a retention review within any given four hour period, the Watch Commander shall be responsible to conduct that review. It is the joint responsibility of CHS staff and the Watch Commander to ensure that the retention review occurs every 4 hours and communicate with each other to comply with this requirement.

2. The Watch Commander will review the circumstances of every inmate in safety cells throughout the facility, once during their assigned shift.

3. For continued retention, the following factors should be considered:does the inmate continue to display violent behavior, imminent physical harm to themselves or others, or destruction of property.

4. If the determination is made to keep an inmate in a safety cell after 4 hours, the Watch Commander will document the continued retention on the Custody Operations Supervisor's Log.

903.7 MENTAL HEALTH TRANSFERS

(a) Any inmate whose condition is beyond the range of services available at a facility may be temporarily transferred to another OC jail facility or an outside mental health facility for treatment. The Sheriff's Department has delegated its authority to Correctional

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Health Services (CHS) to transfer inmates to a mental health facility. CHS will make that determination under supervision of a fully licensed psychiatrist who is a member of the CHS staff. All associated paperwork and notifications are the responsibility of CHS (PC 4011.6).

(b) Mental Health Expedite

1. If CHS determines an inmate is a Mental Health Expedite and there is Mental Health Housing available, the inmate will be escorted to the necessary Mental Health Housing unit as soon as practical but not exceeding 4 hours.

    (a) A deputy will directly monitor each inmate until the inmate is rehoused to a Mental Health Housing cell or unit.

(c) Unavailable Mental Health Housing

1. If CHS determines an inmate is a Mental Health Expedite and there is no Mental Health Housing available, the inmate will evaluated by CHS for alternative housing arrangements pending Mental Health Housing. CHS staff will determine, in consultation with the Population Management Unit about any security concerns, whether the inmate should remain in their current housing location, be transferred to the booking loop and housed alone; or be transferred to the booking loop and placed with other inmates. While the inmate is pending Mental Health Housing, all CHS precautions will be followed.
2. The safety checks conducted by sworn staff will be documented on the area safety check log.
3. A deputy will conduct a safety check of each inmate pending Mental Health Housing within 30 minutes of the beginning time of the previous security staff check, as per Department policies 902.1-902.3.
4. If an inmate is determined to be housed in Mental Health Housing and there is not a cell available, an Unavailable Mental Health Housing Jail Information Report shall be written. The report shall include:

    (a) The reason for the inmate's placement into the cell.

    (b) The time of the inmate's entry into the cell.

    (c) The name and title of the CHS staff member who determined that the inmate should remain in their current housing location until Mental Health housing is available; be transferred to the booking loop and housed alone; or be transferred to the booking loop and placed with other inmates pending Mental Health housing.

903.8 SUICIDE PREVENTION REVIEW BOARD

The Suicide Prevention Review Board (SPRB), will review suicide prevention practices, suicides and attempted suicides to ensure compliance with policies, procedures, and standards. The goal is to provide assistance to custody, medical, and mental health staff in their effort to implement proactive measures to prevent high-risk inmates from attempting or committing suicide by analyzing administrative, procedural, and best practices for preventing future incidents, as well as ensure corrective action measures are implemented if warranted.

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(a) SPRB Chairperson and Team

1. The Mental Health Program Manager or designee will serve as the chairperson of the SPRB.
2. The SPRB is comprised of Custody Division Commanders and Captains, Custody Behavioral Health Bureau (BHB) Captain, BHB Sergeants, and management, as well as command-level medical and mental health personnel from CHS.
3. The SPRB Chairperson and Division Commanders may request that other individuals attend SPRB meetings.

(b) Responsibilities

1. The SPRB Team will meet monthly to discuss suicides and attempted suicides.
    (a) For each suicide and attempted suicide, records and information including, but not limited to, the following will be reviewed:
        1. Events/activities preceding and following the incident
        2. Medical/Mental health screening
        3. In-custody history
            (a) Classification Records
            (b) Grievances/Grievance Responses
            (c) PREA Allegations
            (d) JIs, DRs
            (e) Discipline Records
            (f) Significant Case Events
            (g) Video of Incident
        4. Proximately to Court Date
        5. Mental health and medical health history
        6. Prior suicide attempts or other serious self-injurious behavior
        7. Location of incident
        8. Method and lethality of self-injurious act
        9. Use of restraints
        10. Psychotropic medications
        11. Access to care, timeliness of services, and utilization of appropriate mental health housing
        12. Response by all first responders on the scene.

(c) Following its review, the team will identify necessary corrective actions, if any. When necessary corrective actions are identified, a written corrective action plan will be

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prepared and approved by the team.After approved by the team, the corrective action plan will be submitted to the Assistant Sheriff of Custody Operations Command and the Chief of Correctional Health Services.

1. Implementation of the corrective action plan will be monitored by the team.
2. The Suicide Prevention Review Board's Corrective Action Plan will be maintained by the Orange County Sheriff's Department Custody Operations Behavioral Health Bureau Captain and the Correctional Health Services Administration in accordance with each department's records retention schedules.

(d) The team will also brief, (through Training Bulletins and/or Briefing Training), on current information related to suicide prevention and or inmate suicides with the intent to identify best practices for implementation and dissemination collaboratively.

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Escapes

912.1 PURPOSE

The purpose is to establish an effective and uniform policy in the event of an escape or a suspected escape of an in-custody inmate. An "in-custody inmate" is a subject who has been booked into the Orange County Jail or physically taken into custody after being remanded to the custody of OCSD by a Judge. This policy applies to in-custody inmate escapes from the following:

1. Any Orange County Sheriff's Department detention facility.
2. Any inmate transportation situation.
3. Any court or court holding facility.
4. Any hospital.

912.2 POLICY DETAILS

Suspected escapes will be immediately disproved or confirmed. The identity of escapees and other pertinent information will be rapidly disseminated to aid in their capture and return to custody. Emergency escape procedures and notifications will be made upon any reasonable suspicion of an escape. Time is of the essence and staff need to act without hesitation to initiate escape procedures and an investigation.

912.3 SUSPECTED ESCAPE

When any staff member reasonably suspects that there has been an escape from custody, that employee will immediately notify his/her supervisor regardless of whether the escape has been confirmed.

- The staff member will immediately radio a request to cease all inmate movement. All inmates will be secured at their current location by a deputy until the escape can be confirmed or disproved.
- Movement will cease and a complete count will be conducted at all facilities.
- If Court is in session, movement of inmates at the Courts will cease and a complete count will be conducted at the Courts. Upon all Court Inmates being accounted for, normal court operations may resume.
- Deputies will be assigned to every non-housing location where inmates are present and immediately freeze their movement.
- Notification to the supervisor will include all available information:

(a) Location where escape occurred (or is occurring) or is suspected.

(b) Description of the escapee, if known.

(c) Means of escape (running, in a car, over the roof).

(d) Time of the escape.

(e) Number of involved inmates.

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(f) Propensity for violence based on booking charge(s), criminal history, nature of escape.

- Staff will secure the immediate area of the suspected escape and preserve the scene as a crime scene. The Sergeant shall assign a deputy to secure the inmate's bunk or cell and property left in the housing unit.
- The following initial notifications will be made:

1. The handling sergeant will notify all other sergeants on duty at the facility of the suspected escape.
2. The Watch Commander will be notified as soon as an escape is suspected.The Watch Commander will also notify the Division Commander.
3. The Watch Commander will notify the on duty Watch Commanders at all the other jail facilities.
4. The Department Commander (ECB) will be notified of the suspected escape as soon as possible.

- Sworn personnel will check all security and perimeter door alarms to confirm proper conditions (securely closed and locked).

912.4 COUNT AFTER SUSPECTED ESCAPE

In the event of a suspected escape, the Watch Commander or his/her designee will direct that an immediate module book count be conducted.

- Confirmation of an escape can be made prior to the count if staff provides eyewitness information and can positively identify the inmate. However, a count should be conducted to determine if other inmates are involved, and to validate the identity of the escapee(s).

All inmates must be identified and located.

- All inmates not physically present must be accounted for and a deputy must obtain verification the inmate is still in custody.

912.5 NOTIFICATIONS

Facility Watch Commander Notifications:

As soon as possible, after an escape has been confirmed, the Facility Watch Commander or his/her designee shall contact the Department Commander and Control One to provide the following minimum information for a general broadcast.

- Location and time of escape.
- Complete name, aliases and physical description of escapee(s) including clothing, last known address, tattoos, etc.
- Direction of travel, if known.
- Arresting agency, booking charges, and known propensity for violence.
- A copy of the escapee(s)' booking photo(s).

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- Any known weapons or hostages.
- Any other pertinent information that may assist in the capture of the escapee.

The notification to Control One will specify if an immediate broadcast is requested to all local police departments, a teletype, or both.

- The request for a radio broadcast will be made if the escape occurred within the past four hours, if the escape involved a vehicle, or was accomplished by force.
- The broadcast will include the escapee's name, physical description, clothing, and direction of travel, if known.
- The escapee's last known address will be included in the broadcast if that address is within Orange County.
- The broadcast will include a copy of the escapee's booking photo or a link or website address where the booking photo can be obtained by all local police departments.

The Facility Watch Commander shall also notify the Division Commander, the Court Captain (if court is in session), and the Assistant Sheriff of Custody Operations.

The Facility Watch Commander will notify the Criminal Investigations Bureau Captain who will notify the Custody Intelligence Unit (CIU) Sergeant.

Either the Division Commander or the Assistant Sheriff of Custody Operations will notify the Sheriff and Undersheriff unless such notification is delegated to the Department Commander.

Department Commander ("D/C") Notifications:

The Department Commander or his/her designee will make the following notifications and/or take the listed actions:

- Patrol Dispatchers.
- The Criminal Investigations Bureau Captain.
- The District Attorney's office (to expedite an arrest warrant).
- The Watch Commander of the jurisdiction for the home of record for the escapee if not OCSD and if the escapee was arrested for violence.
- The Watch Commander of the original arresting jurisdiction of the escapee if not OCSD.
- For escapes from James A. Musick Facility, the D/C will notify Irvine Police Department and an on-duty Southeast Operations Sergeant.
    - The order of response, based on availability, should be Lake Forest, Rancho Santa Margarita, and Mission Viejo. The Operations Sergeant will respond to the Front Gate and establish an exterior Command Post. The Operations Sergeant will coordinate all resources for the exterior of the property. A facility sergeant will respond to the command post as a liaison from the facility to operations.
- For escapes from Central Jails Division and IRC, the D/C will notify Santa Ana Police Department and an on-duty North Operations Sergeant. The North Operations

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Sergeant will respond and establish an exterior Command Post. The North Operations Sergeant will coordinate all resources for the exterior of the property. A facility sergeant will respond to the command post as a liaison from the facility to operations.

- For escapes from the Theo Lacy Facility, the D/C will notify the Orange Police Department, Santa Ana Police Department, UCI Hospital, and an on-duty North Operations Sergeant. The North Operations Sergeant will respond and establish a Command Post and staging area for the exterior of the facility. The North Operations Sergeant will coordinate all resources for the exterior of the property. A facility sergeant will respond to the command post as a liaison from the facility to operations.
- Orange County Transportation Authority Dispatch
- Anaheim Regional Transportation Intermodal Center
- The Public Information Office (PIO).

At the request of Investigations, clothing items and/or bedding recently worn or used by the escapee may be delivered to the Patrol Sergeant in a paper bag. Canine units may be able to use the garment for tracking purposes. Personal clothing previously located in the Clothing Storage Room will not be used.

912.6 INTERIOR/EXTERIOR SEARCH

Deputies will be directed to conduct a thorough and systematic search of the entire security area of the facility from which the escape occurred, including a search of the roof. Any point of escape will be secured and searched for evidence. Points of escape shall be considered a crime scene and secured. Breaches of security will be secured by a minimum of two deputies until repairs can be made.

The designated Sergeant will direct armed deputies to search perimeters and the security parking lots. Once an escape has been confirmed, the Sergeant will also direct deputies to make contact with occupants of locations in close proximity to the place of escape to ascertain if they might have any video that could aid in determining the direction of travel or locating the escapee.

Available video will be reviewed and retained.

912.7 STAFF ROLL CALL

The Watch Commander will direct sergeants to conduct a roll call for all staff (i.e., security staff, professional staff, CHS staff, contractors, volunteers, etc.) Each member must be accounted for, to determine if violence and/or injury was used in the escape. The roll call will be specifically for the facility from which the inmate escaped.

Medical treatment will be given to staff or other inmates as appropriate.

If practical, injured staff or inmates will be interviewed during treatment to expedite information gathering.

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912.8 EVIDENCE AND INTERVIEWS

When an escape is confirmed, the escapee's bunk, cell, or immediate living area will be secured, and a crime scene log started.

- This area should be maintained until Investigators arrive.
- This area should be photographed and documented by the Orange County Crime Lab.
- This area will be searched and processed by or at the discretion of Investigations.
- Medications of the escapee may be documented and collected as evidence.
- Perishable items will be noted in the inmate's file prior to disposal.
- After examination by investigators, clothing and bulk items will be placed into a large bag identified with the inmate's name and booking number. The bag(s) will be delivered to investigators to maintain the chain of custody.
- The escapee's money will be processed by the Cashier's Office as "Unclaimed funds."

Inmates from the escapee's housing area will be isolated and separated in preparation for interview(s).

- The Custody Intelligence Unit will be the lead investigative unit when an escape occurs.
- An investigator will conduct the interviews.
- The interviews should be audio or video recorded.

912.9 INVESTIGATIONS RESPONSE TO AN ESCAPE

The Custody Intelligence Unit will respond as the lead investigative unit to investigate the escape of an inmate. Other OCSD investigative units and outside agency resources may be utilized to assist in the investigation as needed.

912.10 ESCAPE FROM COURTS

When any staff member reasonably suspects that there has been an escape from custody in court, that employee will immediately notify his/her supervisor and additional notifications will be made as follows:

- The Facility Captain will be notified when the escape is suspected.
- The Department Commander will be notified of the suspected escape as soon as possible.
- The Supervising Judge will be notified of the possible escape and inmate lockdown.
- The Facility Captain shall also notify the Division Commander, the Assistant Sheriff of Custody Operations, and the Assistant Sheriff of Professional Service Command.
- Either the Division Commander, the Assistant Sheriff of Custody Operations or Assistant Sheriff of Professional Service Command will notify the Sheriff unless such notification is delegated to the Facility Lieutenant.

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- In addition, when the escape is confirmed, the Department Commander will make the following notifications and/or take the listed actions:
    - Patrol Dispatchers.
    - The Criminal Investigations Bureau Captain.
    - The Watch Commander of the jurisdiction for the home of record for the escaped inmate if not OCSD, and if the inmate was arrested for violence.
    - The Watch Commander of the jurisdiction where the escaped inmate was arrested if not OCSD.
    - The Watch Commander of the jurisdiction where the Court is located.
    - The Public Information Office (PIO).
    - Orange County Transportation Authority Dispatch.
    - Anaheim Regional Transportation Intermodal Center.

Response and notifications will be in accordance with the Custody and Court Escape Policy.

If there are multiple inmates in a courtroom, bailiffs shall make no attempt to pursue an escaping inmate outside the courtroom until the remaining inmates are secured.

If an escape does occur, bailiffs will immediately activate, or direct the activation of, the court's emergency system. Adjacent court bailiffs can be directed to assist and police officers from other agencies that may be in the court can be requested to assist.

912.11 ESCAPE FROM HOSPITAL

If an escape occurs from the hospital, response and notifications will be in accordance with the above Custody and Court Escape Policy.

The assigned deputy will contact their Watch Commander.

Notification will be made to the Watch Commander of the jurisdiction where the hospital is located if not OCSD.

The identity of the escapee and other pertinent information will be rapidly disseminated via the radio to aid in the inmate's capture and return to custody.

912.12 ESCAPE DURING TRANSPORTATION

If an inmate escape occurs during transportation, staff shall not jeopardize the security of the remaining inmates.

If only one inmate is being transported, escort personnel will pursue.

Upon confirmation of an escapee's identity, transporting staff will contact OCSD Control One, and request a broadcast.

The transporting staff will contact their immediate supervisor.

Response and notifications will be in accordance with the Custody and Court Escape Policy.

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912.13 ESCAPE BY AIRCRAFT

If an escape involves an aircraft:

- Make note of the color, style, tail number and direction of travel.
- Notify the Federal Aviation Administration Western Pacific Regional Operations Center.
- The FAA's 24-Hour Incident Response phone number is (310) 725-3300.

912.14 REPORTS

The Sergeant responsible for the area in which the escape occurred will complete the Escape Checklist and assign one deputy to write the Initial Crime Report.

- The crime report narrative will contain a description of the escape, the escapee's complete identity and commitment information.
- The Escape Checklist will be attached to the final report.

The approved Escape Checklists for each facility shall be used and are available on the intranet.

Every deputy who handled evidence, interviewed witnesses, or conducted pertinent parts of the investigation shall write his/her own supplemental report.

- All reports will be submitted to the sergeant prior to the deputies leaving the facility at the end of their shift.

A Records Supervisor or his/her designee will make copies of the entire inmate file.

- A certified copy will be kept or delivered to the facility where the escape occurred for Investigations.
- One copy will be sent to the Watch Commander of the facility where the escape occurred.
- One copy will be sent to the IRC Division Commander.
- One copy will be sent to the Custody Operations Assistant Sheriff or Professional Service Command Assistant Sheriff, (facility specific).

Visitor and cashier records will be retained with the inmate's file pending completion of the investigator's reviews.

The Crime Report and supporting reports will be submitted to the sergeant for review and approval prior to submission to the Watch Commander.

- Evidence will be properly collected and booked into Sheriff's Evidence. The deputy who collected/booked the evidence will document their activity in a crime report or supplemental report.

912.15 CAPTURE AND RETURN OF ESCAPEE

The Custody Intelligence Unit will coordinate and direct the investigation into capturing the escapee. This will include having the discretion to use OCSD resources as well as enlist the assistance of state and federal resources as needed. Once the escapee has been captured, the

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Custody Intelligence Unit will coordinate the interview of the escapee and return of the escapee to custody. The inmate will be returned to the IRC for appropriate booking and/or reclassification.

Upon confirmation that an escapee has been returned to custody, the Watch Commander will ensure that notifications are made to:

- Criminal Investigations Bureau Captain
- Department Commander
- Facility Commander
    - The request for cancellation broadcast/teletype will be coordinated with Investigations.

Upon confirmation that an escapee has been returned to custody, the Department Commander will ensure that notifications are made to:

- Notification to Public information Officer (PIO).
    - Notification to the media is a function of the Public Information Officer (PIO).
- Assistant Sheriff of Custody Operations (facility specific)
- Assistant Sheriff of Professional Services Command (facility specific)
- Undersheriff
- Sheriff

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Chapter 10 - Personnel

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Code of Professional Conduct and Responsibility for Peace Officers

1001.1 PREAMBLE

WHEREAS, peace officers are vested with a public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and

WHEREAS, the need to maintain high standards of moral character, integrity, knowledge, and trust requires the establishment of a Code of Professional Conduct and Responsibility for Peace Officers as a matter of the highest significance to the health, welfare, and safety of the citizens of this state; and

WHEREAS, the establishment of a Code of Professional Conduct and Responsibility for Peace Officers, which includes Canons of Ethics and minimum standards, requires the granting of authority to enforce these standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare, and safety of the public; therefore,

BE IT RESOLVED that the need to maintain high standards of moral character, integrity, knowledge, and trust require that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

1001.1.1 GENERAL STATEMENT

Peace Officers are granted a public trust, which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust, and to ensure that their professional conduct is above reproach, members of the peace officer profession must not only conform to a Code of Ethics but must also abide by these Canons of Ethics and Ethical Standards which constitute this Code of Professional Conduct and Responsibility as a means of internal regulation.

The essence of a profession requires that in addition to prescribing a desired level of performance, it must establish minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this Code of Professional Conduct and Responsibility is established for the peace officer profession.

Nothing in the Code of Professional Conduct and Responsibility for Peace Officers is intended to limit or supersede any provision of law relating to the duties and obligations of peace officers or the consequences of a violation thereof. Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned.

Nothing in this Code is intended to limit the authority of an agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained in this Code of Professional Conduct and Responsibility for Peace Officers.

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1001.1.2 DEFINITIONS

This Code of Professional Conduct and Responsibility for Peace Officers is comprised of nine Canons of Ethics, with explanatory statements in the form of Ethical Standards. The following fare definitions of these terms, as used in the context of the Code.

- "PEACE OFFICER" means a regular employed and full time sheriff, undersheriff, assistant sheriff or deputy sheriff of a county; a chief of police or any police officer of a city or any other person within the state who is defined as a peace officer.
- "CANONS" are statements, which express in general terms standards of professional conduct expected of peace officers in their relationship with the public, the criminal justice system, and the peace officer profession. They embody the general concepts from which the Ethical Standards and the Disciplinary Rules are derived.
- "ETHICAL STANDARDS" are statements that represent the objectives toward which every peace officer shall strive. They constitute principles that can be relied upon by the peace officer for guidance in specific situations.
- "DISCIPLINARY RULES" specify an unacceptable level of conduct for all peace officers, regardless of their rank or the nature of their assignment. Any peace officer that violates any agency rule that applies to these canons and standards is guilty of unprofessional conduct, and is subject to disciplinary action. Violation of disciplinary rules requires appropriate adjudication and disciplinary action ranging from oral reprimand to termination and/or criminal prosecution or other administrative action sanctioned by law, as dictated by the individual case.
- "ENFORCEMENT PROCEDURES" are the fundamental rights of an accused officer which are applicable to a disciplinary investigation or proceeding against the officer.
- "ADMINISTRATIVE INVESTIGATION" is an investigation conducted to determine whether an officer has violated any provision of this Code, or an agency rule or regulation; or whether an officer is impaired or unfit to perform the duties and responsibilities of a peace officer.
- "FORMAL DISCIPLINE" refers to the final adjudication of administrative or disciplinary charges. Formal discipline shall be deemed final only after an officer has exhausted or waived all legal remedies available and actual discipline has been invoked.

1001.2 CANONS OF ETHICS

CANON ONE

PEACE OFFICERS SHALL UPHOLD THE CONSTITUTION OF THE UNITED STATES, THE STATE CONSTITUTION, AND ALL LAWS ENACTED OR ESTABLISHED PURSUANT TO LEGALLY CONSTITUTED AUTHORITY.

ETHICAL STANDARDS

STANDARD 1.1 Peace officers shall recognize that the primary responsibility of their profession and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and State Constitutions and laws derived there from.

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STANDARD 1.2 Peace officers shall be aware of the extent and the limitations of their authority in the enforcement of the law.

STANDARD 1.3 Peace officers shall diligently study principles and new enactment of the laws they enforce.

STANDARD 1.4 Peace officers shall be responsible for keeping abreast of current case law as applied to their duties.

STANDARD 1.5 Peace officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

STANDARD 1.6 Peace officers shall respect and uphold the dignity, human rights, and Constitutional rights of all persons.

CANON TWO

PEACE OFFICERS SHALL BE AWARE OF AND SHALL USE PROPER AND ETHICAL PROCEDURES IN DISCHARGING THEIR OFFICIAL DUTIES AND RESPONSIBILITIES.

ETHICAL STANDARDS

STANDARD 2.1 Peace officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.

STANDARD 2.2 Peace officers shall truthfully, completely, and impartially report, testify, and present evidence in all matters of an official nature.

STANDARD 2.3 Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.

STANDARD 2.4 Peace officers shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

CANON THREE

PEACE OFFICERS SHALL REGARD THE DISCHARGE OF THEIR DUTIES AS A PUBLIC TRUST AND SHALL RECOGNIZE THEIR RESPONSIBILITIES TO THE PEOPLE WHOM THEY ARE SWORN TO PROTECT AND SERVE.

ETHICAL STANDARDS

STANDARD 3.1 Peace officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

STANDARD 3.2 Peace officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

STANDARD 3.3 Peace officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.

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STANDARD 3.4 Peace officers shall safely and efficiently use equipment and material available to them.

STANDARD 3.5 Peace officers shall be prepared to and shall respond effectively to the demands of their office.

STANDARD 3.6 Peace officers, with due regard for compassion, shall maintain an objective and impartial attitude.

STANDARD 3.7 Peace officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.

STANDARD 3.8 Peace officers shall recognize that their allegiance is first to the people, then to their profession and the governmental entity or agency that employs them.

CANON FOUR

PEACE OFFICERS WILL SO CONDUCT THEIR PUBLIC AND PRIVATE LIVES THAT THEY EXEMPLIFY THE HIGH STANDARDS OF INTEGRITY, TRUST, AND MORALITY DEMANDED OF A MEMBER OF THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

STANDARD 4.1 Peace officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession of their employing agency, or renders them unfit for their next tour of duty.

STANDARD 4.2 Peace officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties, and under no circumstances while in uniform.

STANDARD 4.3 Peace officers shall not use any narcotics, hallucinogens or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior officer prior to reporting for duty.

STANDARD 4.4 Peace officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer profession. Officers shall not participate in any incident involving moral turpitude.

STANDARD 4.5 Peace officers shall not undertake financial obligations which they know or reasonably should know they will be unable to meet and shall pay all just debts when due.

STANDARD 4.6 Peace officers shall not engage in illegal political activities.

STANDARD 4.7 Peace officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonials or advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the officer involved.

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STANDARD 4.8 Peace officers shall not engage in any activity that would create a conflict of interest or would be in violation of any law.

STANDARD 4.9 Peace officers shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

STANDARD 4.10 Peace officers shall not be disrespectful, insolent, mutinous, or insubordinate in attitude or conduct.

STANDARD 4.11 Peace officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.

STANDARD 4.12 Peace officers shall not engage in any strike, work obstruction or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.

STANDARD 4.13 Peace officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration, while acting in an official capacity.

CANON FIVE

PEACE OFFICERS SHALL RECOGNIZE THAT OUR SOCIETY HOLDS THE FREEDOM OF THE INDIVIDUAL AS A PARAMOUNT PRECEPT, WHICH SHALL NOT BE INFRINGED UPON WITHOUT JUST, LEGAL, AND NECESSARY CAUSE.

ETHICAL STANDARDS

STANDARD 5.1 Peace officers shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally or reasonably apply the law.

STANDARD 5.2 Peace officers shall recognize the rights of individuals to be free from capricious or arbitrary acts that deny or abridge their fundamental rights as guaranteed by law.

STANDARD 5.3 Peace officers shall not use their official position to detain any individual, or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

CANON SIX

PEACE OFFICERS SHALL ASSIST IN MAINTAINING THE INTEGRITY AND COMPETENCE OF THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

STANDARD 6.1 Peace officers shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.

STANDARD 6.2 Peace officers shall perform their duties in such a manner as to discourage double standards.

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STANDARD 6.3 Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

STANDARD 6.4 Peace officers shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.

STANDARD 6.5 Peace officers shall have responsibility for reporting to proper authorities any known information that would serve to disqualify candidates from transferring within or entering the profession.

STANDARD 6.6 Peace officers shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws, and requirements of the profession.

STANDARD 6.7 Chief executive peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and the competency of their officers. These Canons and Ethical Standards shall apply to all legally defined peace officers regardless of rank.

STANDARD 6.8 Peace officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

CANON SEVEN

PEACE OFFICERS SHALL COOPERATE WITH OTHER OFFICIALS AND ORGANIZATIONS WHO ARE USING LEGAL AND ETHICAL MEANS TO ACHIEVE THE GOALS AND OBJECTIVES OF THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

STANDARD 7.1 Peace officers, within legal and agency guidelines, shall share with personnel both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.

STANDARD 7.2 Peace officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.

STANDARD 7.3 Peace officers shall, within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of an ordered society.

CANON EIGHT

PEACE OFFICERS SHALL NOT COMPROMISE THEIR INTEGRITY, NOR THAT OF THEIR AGENCY OR PROFESSION, BY ACCEPTING, GIVING, OR SOLICITING ANY GRATUITY.

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ETHICAL STANDARDS

STANDARD 8.1 Peace officers shall refuse to offer, give, or receive gifts, favors or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate peace officers from normal social practices, or to preclude gifts among friends, associates, or relatives, where appropriate.

STANDARD 8.2 Peace officers shall not consider their badge of office as a license designed to provide them with special favor or consideration.

CANON NINE

PEACE OFFICERS SHALL OBSERVE THE CONFIDENTIALITY OF INFORMATION AVAILABLE TO THEM THROUGH ANY SOURCE, AS IT RELATES TO THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

STANDARD 9.1 Peace officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.

STANDARD 9.2 Peace officers shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.

STANDARD 9.3 Peace officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.

STANDARD 9.4 Peace officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

STANDARD 9.5 Peace officers shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

1001.2.1 INVESTIGATIVE PROVISIONS

INVESTIGATIVE PROCEDURES

Peace officers under investigation for an alleged violation of any of these standards or agency disciplinary rules shall be afforded, as a minimum, the rights established by law and contract, to ensure fair and just treatment in the enforcement of disciplinary rules of conduct or agency rules.

EXERCISE OF RIGHTS

By reason of the lawful exercise of rights, officers shall not be discharged, disciplined, demoted, transferred, or denied promotion or reassignment, or discriminated against with regard to employment, nor threatened with any such action.

CRIMINAL INVESTIGATIONS

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When the investigation focuses on an officer for prosecution of a criminal offense, the officer shall be afforded the same constitutional rights, privileges, or guarantees enjoyed by any person. This section, however shall not deprive the agency of the right to pursue the investigation administratively.

AGENCY APPEAL OR REVIEW PROCESS

To ensure due process, officers shall be provided with an internal administrative appeal or review process or procedure. This process shall be in addition to any external appeal process the employing agency may have established for the review of disciplinary cases.

CONSTRUCTION AND SEVERABILITY

The provisions of this Code shall be severable and if any phrase, clause, sentence or provision of this Code is declared to be unconstitutional or the applicability thereof to any agency, person, or circumstance is held invalid, the constitutionality of this Code and the applicability thereof to any other agency, person, or circumstance shall, with respect to all severable matters, not be affected thereby. It is intended that the provisions of this Code be reasonably and liberally construed.

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Advancements and Promotions - Law Enforcement Series

1004.1 MERIT SYSTEM

All advances in grade and/or pay status within the Department shall be made on the basis of merit, with consideration being given to all qualified applicants. All promotions within the Law Enforcement series shall be made on the basis of qualification through a competitive selection process. The exception to this policy shall be the selection process for the Court Operations Investigator I position, which shall be based exclusively on seniority per the Merger MOU.

1004.2 WRITTEN EXAMINATIONS

1. All examinations as used within this Department are administered by the Professional Standards Command consistent with County of Orange Selection Rules.
2. All examinations for promotional use are reviewed by ranking Members of this Department for accuracy and appropriateness.
3. In the event of tie scores at the cutoff point, all participants having that score shall be placed on the eligibility list.

1004.2.1 PROMOTABILITY APPRAISAL

1. Upon completion of the written examination, an alphabetical listing of successful candidates shall be created. Written scores shall not be reflected on the alphabetical list.
2. An appraisal panel consisting of Departmental staff Members shall be appointed by Sheriff's Administration to evaluate each candidate's promotability. All candidates shall receive a numerical score that reflects their promotability ranking.
3. Said scores shall be forwarded to the Professional Standards Command for correlation with the scores from the written examination and earned credits to establish a Promotional Eligibility List.

1004.3 PROMOTABILITY APPRAISAL CONSIDERATIONS

1. During the evaluation of a Member's qualifications for promotion, various factors are taken into consideration. These factors do not carry equal weight and are given a prorated point value. These conditions are:
    (a) Earned Credits: This information is compiled from the Member's personnel folder. Members must update their personnel folder before the cutoff date identified in the recruitment flier. Any and all of the following categories may be used depending upon classification:
        1. Seniority in Department
        2. Law enforcement experience
        3. Education Police Science

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4. Education General
5. Performance Evaluation

(b) Personal Appraisal: This information is compiled by the Appraisal Panel making evaluations in the following categories:

1. Work history
2. Investigative ability
3. Personal traits
4. Interpersonal relationships
5. Adaptability

(c) Supervising ability (sergeant and above)

1. Resumes, commendations and other documents shall not be accepted at the appraisal panel interview.

1004.4 PROMOTIONAL EXAMINATION ELIGIBILITY

To qualify to take competitive promotional examinations, an applicant must be a regular, full time employee and meet the following minimum requirements relative to the position desired.

1. Deputy Sheriff II: One (l) full year of law enforcement experience with a civilian agency.
2. Investigator: Two (2) years of full time experience as a law enforcement officer in a civilian agency.
3. Sergeant: Three (3) years of experience as a law enforcement officer in a civilian agency. Completion of two years of education at an accredited college in police science or criminology may be substituted for one year of the required experience.
4. Lieutenant: Four (4) years of experience as a law enforcement officer in a civilian agency including one-year experience at the rank of Sergeant or higher. Completion of two years of education at an accredited college in police science or criminology may be substituted for one year of the required experience below the level of Sergeant.
5. Captain: Five (5) years of experience as a law enforcement officer in a civilian agency, including experience at the rank of Lieutenant. Completion of two years of education at a recognized college in police science or criminology may be substituted for one year of the non-supervisory experience. Graduation from a recognized college with a degree in police science or criminology may be substituted for two years of the non-supervisory experience.
6. Assistant Sheriff: Experience in a civilian law enforcement agency sufficient to demonstrate the knowledge, skills, and abilities listed as minimum qualifications.
7. Professional Staff: All professional promotional opportunities shall be based on current county practices governed by the Orange County Merit System, Selection Rules, and Appeals Procedure. At will and extra help employees are exempt from county selection rules.

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1004.5 PROMOTIONAL ELIGIBILITY LISTS

All promotional applicants who satisfactorily complete the written examinations and have received their promotability appraisal are placed on a Promotion Eligibility List in-group order, after their final scores have been computed.

1004.6 EXPIRATION OF PROMOTIONAL ELIGIBILITY LISTS

Eligibility lists shall remain in effect until a new eligibility list has been established. At that time, the new list shall supersede any existing list.

1004.7 PROMOTIONAL PROBATION REQUIREMENTS

1. All Members receiving promotions are placed on probation for a period of twelve (12) months. In order to pass probation, the individual must demonstrate proficiency in their new assignment and some classifications must meet additional requirements.
    (a) Sergeant: Promotion to the rank of Sergeant requires the Member to successfully complete the certified Supervisory Course within the time frames established by POST.
    (b) Lieutenant: Promotions require the successful completion of the certified POST Management Course within the time frames established by POST.

1004.8 PROMOTION WITH PENDING INVESTIGATION FOR MISCONDUCT OR POLICY VIOLATION(S)

Department Members on existing promotion eligibility lists who are the subject of a pending investigation for alleged misconduct or policy violation(s) may be denied promotion while the investigation is pending. Being subject to an investigation shall not, however, automatically prevent a Member from being considered for promotion.

1004.8.1 NON-ADMINISTRATIVE LEAVE

The management's prerogative to promote shall rest with the Sheriff or the Sheriff’s designee whose decision to promote shall be based, among other factors, on the totality of the circumstances known about the alleged misconduct or policy violation being investigated and the range of potential disciplinary measures to which the Member could be subjected if the investigation reveals that misconduct or policy violations occurred.

1004.8.2 ADMINISTRATIVE LEAVE

Members on administrative leave due to pending investigation(s) shall not be considered for promotion while the Member is on such leave.

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Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of this Department that all grievances be handled quickly and fairly without discrimination against Members who file a grievance; whether or not there is a basis for the grievance. The philosophy of the Department is to promote respectful and productive verbal communication between Members and supervisors.

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:

1. The Member bargaining agreement (Memorandum of Understanding)
2. This Policy Manual
3. County rules & regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected Member or by a group representative.

Specifically outside the category of grievances are complaints related to alleged acts of sexual, racial, ethnic, or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background, and other lawfully protected status or activity. These complaints are subject to the complaint options set forth in Policy Manual § 328. Personnel complaints consisting of any allegation of misconduct or improper job performance against any Department Member shall be processed under the guidelines set forth in Policy Manual §1020.

1006.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if a Member believes that he or she has a grievance as defined above, then that Member shall observe the following procedure:

1. Attempt to resolve the issue through informal discussion with immediate supervisor.
2. If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the Member may request an interview with the Commander of the affected Division or Bureau.
3. If a successful resolution is not found with the Commander, the Member may request a meeting with the Sheriff.
4. If the Member and the Sheriff are unable to arrive at a mutual solution, then the Member shall proceed as follows:
    (a) 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:

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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.
3. The specific policies, rules or regulations that were violated.
4. What remedy or goal is being sought by this grievance.

5. The Member shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
6. The Sheriff shall receive the grievance in writing. The Sheriff and the Board of Supervisors shall review and analyze the facts or allegations and respond to the Member within 14 calendar days. The response shall be in writing, and shall affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Board of Supervisors is considered final.

1006.3 MEMBER REPRESENTATION

Members are entitled to have representation during the grievance process. The representative may be selected by the Member from the appropriate Member bargaining group.

1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Professional Standards for inclusion into a secure file for all written grievances. A second copy of the written grievance shall be maintained by the Board of Supervisors' office to monitor the grievance process.

1006.5 GRIEVANCE AUDITS

The Professional Standards Division Commander 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 Commander 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 Commander should promptly notify the Sheriff.

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Reporting of Member Convictions or Restrictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit a Member's ability to properly perform official duties; therefore, all Members shall be required to promptly notify the Department of any past and current criminal convictions.

Restrictions placed on a Member due to a court order, protective order, or a mental health hold may render a Member temporarily ineligible to possess a firearm and/or perform their duties as a peace officer; therefore, all sworn Members and SSOs shall be required to immediately notify the Department of their firearm ineligibility.

Members who are required to maintain licenses or certifications as a condition of their job function shall immediately report to their direct supervisor or on-duty Department Commander of any restrictions, revocations, or other actions that may affect the validity of those credentials.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Pursuant to the Federal Domestic Violence Gun Control Act (18 United States Code §§ 922(g)(9)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition.

Misdemeanor crimes of domestic violence are defined as misdemeanors under federal, state law or tribal law, having as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim (18 United States Code § 921(a)(33)).

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order (18 United States Code § 922(g)(8)). This federal restriction, however, does not apply to situations involving Temporary Restraining Orders (TRO) where no hearing was held before the issuance of the TRO, or where the individual subject to the order did not receive actual notice of the hearing and an opportunity to participate (18 United States Code § 922(d)(8)).

Penal Code § 29885(a)(1) prohibits any person convicted of certain offenses including, but not limited to Penal Code §§ 273.5, 273.6 and 646.9, from lawfully possessing a firearm.

Family Code § 6389 prohibits any person from carrying a firearm if they are currently the subject of a domestic violence restraining order (including temporary and emergency orders).

1010.3 OTHER CRIMINAL CONVICTIONS

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.

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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.

Moreover, 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.

1010.4 REPORTING PROCEDURE

All Members of this Department and all retired deputies with a CCW endorsement shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All sworn Members and all retired deputies with a CCW endorsement shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the Member becomes the subject of a domestic violence restraining order issued by a court of competent jurisdiction.

Any Member whose criminal conviction unduly restricts or prohibits that Member from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment, and/or termination.

Any Member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any Member falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each Member shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the Member's own resources and on the Member's own time.

Pending satisfactory proof of relief from any legal restriction imposed on a Member's duties, the Member may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return a Member to any assignment, reinstate any Member, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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1010.6 ESTABLISHING ELEMENTS OF A VIOLATION OF LAW

The existence of facts establishing a violation of the law or ordinance is all that is necessary to support any allegation. When a violation of law occurs, the lack of criminal prosecution shall be no bar to administrative discipline.

1010.7 MANDATORY NOTIFICATION OF FIREARM INELIGIBILITY

All sworn Department Members and Sheriff's Special Officers are required to maintain the lawful ability to possess, carry, and use firearms in accordance with state and federal law and departmental policy. As such, any Member who becomes prohibited from possessing or carrying a firearm, either temporarily or permanently, shall immediately notify their supervisor and/or the on-duty Department Commander. Any supervisor or manager who receives this notification shall ensure the Professional Standards Division and Internal Affairs are immediately notified.

1010.7.1 APPLICABLE CIRCUMSTANCES

Circumstances that may cause firearm ineligibility include, but are not limited to:

- Issuance of any criminal or civil restraining order (e.g., Domestic Violence, Workplace Violence, Civil Harassment, Gun Violence Restraining Order)
- A finding or detention under Welfare and Institutions Code § 5150, § 8100, or § 8103 resulting in a firearm prohibition
- Probation, court orders, or bail conditions that restrict firearm possession
- Criminal charges or convictions (including out-of-state or federal actions) that legally prohibit possession
- Any other condition that causes the Member to become a prohibited person under state or federal law (e.g., 18 U.S.C. § 922(g))

1010.7.2 NOTIFICATION AND RESPONSE PROCEDURE

1. The Member shall notify their supervisor or manager within their chain of command or the on-duty Department Commander as soon as practical.
2. The Department Commander shall:
    - Immediately notify the Executive Command Staff
    - Notify the Professional Standards Division (PSD) Employee Relations and SAFE Division (Internal Affairs)
3. Executive Command shall evaluate whether the Member should be placed on administrative leave, assigned to modified duty, or temporarily relieved of duty, including the surrender of firearms and other Department-issued equipment. Executive Command may also determine whether the Member should be referred for services in accordance with Policy 1034 – Member Wellness.

1010.8 MANDATORY NOTIFICATION OF LICENSE OR CERTIFICATION INELIGIBILITY

Members who have a specialized job function requiring specific licenses or certifications shall notify the Department and their direct supervisor upon any ineligibility, revocation, surrender or

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suspension of these licenses. The following examples are not all inclusive: California Peace Officer Standards & Training (POST) certificates, California Driver's License, Motorcycle driver's license for motor deputy, a boating or pilot license for vessel or aircraft operators, and a commercial driver's license for buses or tractor trailers.

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Drug Testing

1011.1 PURPOSE

The Department has a legal responsibility and a moral obligation to protect the citizens of the County of Orange and to ensure a safe, drug free work environment for all its Members. The Department has a compelling need to employ and retain only those persons who are both qualified and able to perform the duties and responsibilities of their position.

When Members of a law enforcement agency use drugs there is a tremendous potential for misconduct and negligence. Law enforcement, on a routine basis, makes life and death decisions in the course of discharging their official duties. The responsibility of providing public safety requires Department Members to perform under conditions that are recurrently hazardous and sometimes hostile. The use of debilitating drugs, under these conditions, significantly increases the probability of offense of conduct by employees, decreases their capability to perform assigned duties, has an adverse effect on fellow employees, which is the Department's obligation to preserve public safety and diminishes the public's confidence.

In order to balance the interest of the Department, the County of Orange, Members of the Department, and while maintaining the public's trust, it shall be the policy of the Department to implement the random and reasonable suspicious drug testing program.

1011.1.1 DEFINITIONS

Drug Test: The compulsory production and submission of urine and/or saliva by a Member, in accordance with Department procedures, for chemical analysis to detect the presence or absence of controlled substances.

Reasonable Suspicion: Quantity of specific and objective facts that can be articulated which are more than mere speculation but less than probable cause, based on:

1. Observable symptoms,
2. Non-observable symptoms,
    (a) Reliable information and/or physical evidence,
    (b) Citizen complaints,
    (c) Fellow Member complaints corroborated by other Members,
    (d) Reports of recent use.

Calendar Year: Beginning January 1 of each calendar year and ending on December 31 of the same year.

Medical Review Officer (MRO): Designated by and works for contract laboratory.

Random Selection: Blind selection by computer program.

SAMHSA: Substance Abuse and Mental Health Services Administration.

Department Program Administrator: SAFE Division Commander.

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1011.2 POLICY

All Department Members whose classification is authorized to carry a firearm while on duty are subject to both random and reasonable suspicion drug testing to detect the presence of any narcotics, dangerous drugs, or controlled substances.

All aspects of the drug-testing program shall be performed on duty.

1011.3 PROGRAM ORGANIZATION

1. Contract Drug Management Company shall administer the Department's random drug testing program.
2. The Department Random Drug Testing Program will be directed by the Department Program Administrator. The Department Program Administrator or his/her designee shall be responsible for departmental administration of the program and direct contact with the contract laboratory management and the Medical Review Officer (MRO). The Department Program Administrator or his/her designee shall report directly to the Executive Command after consultation with the Medical Review Officer on all confirmed positive drug tests not consistent with prescriptions, and all cases of employee refusal to test for proper disposition and/or referral to Internal Investigation.
3. All persons associated with the administration of the drug testing program shall be aware of the importance of maintaining its confidentiality. Confidentiality shall be maintained.

1011.4 TESTING

1. Random Testing - Members subject to testing may be ordered to submit to a drug test whenever randomly selected, up to four (4) times in a calendar year.
2. Reasonable Suspicion - Any Member subject to random testing may be ordered to take a drug test upon reasonable suspicion that the Member is, or has been, using narcotics, dangerous drugs or controlled substances. A reasonable suspicion test shall not be counted or considered as a random test.
    (a) The SAFE Division Commander shall be notified and facilitate all requests for a reasonable suspicion drug test.
3. Drug Classes - The following drugs will be tested for with screening levels based on current SAMHSA standards:
    (a) Amphetamines, Methamphetamine
    (b) MDMA, MDA, MDEA
    (c) Cocaine Metabolites
    (d) Opiate Metabolites
        1. Morphine
        2. Codeine
        3. Heroin
    (e) Phencyclidine (PCP)

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(f) THC (Marijuana and CBD with THC)

1011.5 SELECTION PROCESS

1. The selection of Members for testing shall occur on a random basis by utilizing a computer generated program administered by the contract laboratory.
2. Personal Identification Numbers (PINs) shall be used to identify a random pool participants. The Department Program Administrator or his/her designee and the contract drug management company shall be the only ones to possess a listing of participating employees and social security numbers.
3. The selection process shall never be used as punishment.

1011.6 SPECIMEN COLLECTION

1. Members will be directed to provide a urine and/or saliva sample for testing at a recognized collection site.
2. Failure to provide a specimen within a reasonable time period (not more than four (4) hours) may be considered a refusal to take a drug test.
3. If the Member is unavailable for any reason (i.e. court, vacation, involved in a critical situation), the Member may be tested upon return.
4. Confidentiality – The collection process shall respect the dignity of the Member while ensuring the integrity of the process.

1011.7 TESTS RESULTS

1. Negative Results - The laboratory shall discard remaining portions of the specimens, forward a report of the negative test to the MRO and destroy accompanying documents and log sheets.
2. Positive Results - Upon the confirmation of a positive test, the MRO is satisfied there is no alternate explanation for the positive test, the Department Program Administrator or his/her designee shall be immediately advised. A confirmed positive test may constitute a violation of Department policy, regardless of whether impairment is observed. The Department Program Administrator shall forward the information to the Executive Command. The Executive Command may direct an immediate internal investigation. The Member shall be provided with documentation pertaining to the positive test results.
3. Negative Dilute Specimens - Consistent with DOT regulations, when a test result is reported as a negative dilute specimen, the Member shall be retested. The second test shall become the test of record. Should a Member decline to take the second test, he/she shall be subject to the same remedies as if they had refused to take the original test.

1011.8 DISCIPLINE

1. Law, Policies, Rules and Regulations

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(a) The Department forbids its Members to use any controlled substances, narcotics, or hallucinogens except as provided in part 2 and 3, below. The Department forbids violation of federal statute, state law or local ordinance. Members that violate any rules, regulations or policies of the Department may be subject to disciplinary action up to and including discharge, subject to the grievance appeal process and part 3, below. In addition to disciplinary action and whenever appropriate, including those instances where the drug identified in the urine tests or saliva was prescribed, the Department will consider rehabilitation, counseling, or treatment programs when such alternatives would benefit both the Department and the Member. Some programs may require regular drug testing covering a reasonable time period specified by the director of the treatment program.

(b) Failure to comply with the provisions of the drug-testing program may result in appropriate disciplinary action.

2. Exception

(a) A Member may use a controlled substance or narcotic if done so pursuant to a prescription by a licensed physician for an illness or injury, if such use is in accordance with the terms of the prescription. See Policy 1012.2.2 Use of Prescription Medications for further information.

3. Discrimination

(a) The Department will not discriminate against a Member in hiring, termination, or any term or condition of employment, or otherwise penalize a Member based upon:

(a) A Member's use of cannabis or THC products during nonworking hours and away from the workplace; or

(b) A drug screening test that has found the Member to have nonpsychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids.

(b) Notwithstanding 3.(a), above, Members shall comply with any requirements related to legally mandated drug testing, federal security clearances or any other licenses and/or certifications which are required to perform their job duties. Please see 1012.2.4 -Federal and State Laws and Regulations for further information.

4. Possession of Firearm

(a) Members whose classification is authorized to carry a firearm may be disciplined where unlawful use of a controlled substance legally limits their ability to possess a firearm.

5. Employee Refusals, Substitutions, and Alteration of Sample

1. Members who refuse to be tested when so required may be subject to disciplinary action.

2. Attempts by a Member to alter or substitute any specimen shall be deemed grounds for disciplinary action.

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1011.9 DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL TESTING

1. All Department Members who are working in "safety sensitive" assignments as defined by the California State Department of Transportation must submit to drug and alcohol testing as defined in the County of Orange Anti-Drug and Alcohol Misuse Prevention Program.
2. Members who are required to submit to testing by the Department of Transportation shall also be required to test under the Sheriff-Coroner's Department Drug Testing Policy, if randomly selected or if reasonable suspicion exists.
3. The Department shall follow the guidelines set by the Office of Drug & Alcohol Policy & Compliance.

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Alcohol and Drug Use

1012.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any Member or member of the public. The Orange County Sheriff-Coroner Department strives to achieve a work force free from the influence and impairment of any drugs and alcohol.

1012.2 POLICY

Reporting for Duty - Members who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty. The presence of alcohol or prohibited substances, as established by objective facts indicating alcohol or drug use or by confirmed testing, may constitute a policy violation regardless of whether impairment is observed.

On-duty Members - Members shall not consume alcohol or other intoxicants during their scheduled shift hours including lunch and all breaks except during the course and scope of a specific duty or special assignment. Members who consume alcohol as part of a specific duty or special assignment shall not do so to the extent of impairing on-duty performance.

Evidence of Violation - The odor of an alcoholic beverage or marijuana on the breath or person, or a confirmed positive drug or alcohol test conducted pursuant to Department policy will be considered presumptive evidence of a violation of this section.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY

Department Members shall not illegally manufacture any alcohol or drugs while on duty, on County property or at any other time.

Department Members shall not purchase or possess alcohol or other controlled substances on County property, at work, or while on duty except during the course and scope of a specific duty or assignment as described in Policy Manual § 1012.2.

Members, on or off duty, will not display uniform insignia or badges during the purchase of alcoholic beverages, marijuana, or THC-related products.

Alcoholic beverages, marijuana, and THC-related products shall not be brought onto Departmental premises except in furtherance of a law enforcement task or Department approved activity.

1012.2.2 USE OF PRESCRIBED OR LEGAL MEDICATIONS

Department Members who are medically required to take prescription medications during work hours shall not allow such medications to impair their ability to perform their work. Any Member who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of their position shall report the need for such medication to their immediate supervisor. No Member shall be permitted to work or drive a Department-

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owned or leased vehicle while taking such potentially impairing medication. For further details, see Department policy 1032.2.5.

1012.2.3 THC AND THC CONTAINING PRODUCTS (MARIJUANA)
The following is prohibited and may lead to disciplinary action up to and including termination:

1. Possession of THC containing products, while on-duty, or off-duty and in possession of a Department firearm, or at any County workplace, property and vehicles, including those owned, leased, rented or otherwise used by, or assigned to, the Department.
2. No employee shall report for duty or remain on duty with psychoactive THC present in their system, in accordance with Policy 1011.4.3..

For the purposes of this section ingesting is defined as taking into the body by swallowing, inhaling, or absorbing it.

Exemption to the above: Members who are assisting with the caregiving of an individual who requires the use of marijuana or any THC containing product for medicinal purposes may possess the individual's marijuana and/or THC containing product while off duty.

1012.2.4 FEDERAL AND STATE LAWS AND REGULATIONS
Members are required to follow all federal and state laws and regulations, including laws or regulations where the use of controlled substances might limit a Member's ability to lawfully possess a firearm (see for example 18 USC 922(g)(3)) or maintain federal clearances, licenses and/or certification required by to perform their job duties.

These federal clearances, licenses and/or certifications include, but are not limited to, FAA licensed pilots, USCG licensed boat captains, commercial vehicle driver's license, and assignment to a federal taskforce.

1012.3 GENERAL GUIDELINES

There may be available a voluntary Employee Assistance Program to assist Members who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverage which provide treatment for drug and alcohol abuse. Members may contact the Professional Standards Bureau, their insurance provider, or the Employee Assistance Program for additional information.

Members who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider. It is the responsibility of each Member to seek assistance before alcohol or drug problems lead to performance problems.

1012.3.1 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due Members, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the expressed written consent of the Member involved or pursuant to lawful process.

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Assignments, Shift Changes, Intra-Departmental Transfers, and Breaks in Service

1013.1 POLICY

1. Duty assignment, work schedules, hours of employment, overtime, and days off of Department Members are based on operational goals and objectives as determined by the Sheriff-Coroner.
2. The Department shall give the required advance notice of pending shift change or transfer based on the current Memorandum of Understanding. The time periods may be waived by the Member.
3. The selection to fill an announced vacancy by way of transfer shall be based on the following criteria: The Member must hold the same classification as the vacancy and must be able to meet all training, experience, qualifications, and requirements for the vacancy as determined solely by the Department. The overall needs of the Department as determined by the Sheriff-Coroner shall be a determinative.
    (a) Sergeants assigned to the Custody & Inmate Services Command and the Corrections & Court Operations Command seeking to transfer to the Patrol Operations Command shall place their name on the Sergeant Patrol Transfer list, as that list is maintained by the Department.
        1. While the transfers of sergeants to Patrol Operations shall normally follow seniority, the Sheriff-Coroner reserves the right to transfer uniquely qualified personnel to Patrol Operations without regard to seniority and instead based on Department operational goals and objectives, as determined exclusively by the Sheriff-Coroner.
        2. Although there may be exceptions, it is the intention of the Department to wait until a Sergeant has successfully completed their probationary period before they are transferred to a new Command.
        3. Sergeant positions that require a special skill or experience shall be selected regardless of their seniority.
4. When any Member (sworn or professional staff) has a break in service of more than 15 days, they shall be required to successfully complete the background process to the satisfaction of the Sheriff-Coroner prior to being returned to work.

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Military Leave - Compensation Rules

1014.1 MILITARY LEAVE

For the purpose of this policy, Military Leave is defined as: a leave of absence for a Member who temporarily leaves their position with the Department to serve as an active or reservist in the armed forces of the United States, as well as the Member's reinstatement rights upon completion of military leave.

1014.1.1 FEDERAL AND STATE LAW

If at anytime Federal or State law conflicts with this policy, the law will supersede the policy.

1014.2 ELIGIBILITY FOR PAID MILITARY LEAVE

If the Member has been employed with the County less than a year, a copy of the DD_214 (Certificate of Release or Discharge from Active Duty) needs to be submitted to the Professional Standards Division (PSD) along with their military orders to determine the one year public service requirement.

1. Each qualifying Member is eligible for 30 days of paid military leave per fiscal year. Members may be eligible for an additional 30 days of Military pay per Fiscal Year per Military & Veterans Code § 395.05.
2. For orders exceeding 30 days (Extended Military Leave), the Member will receive Military Supplement Pay. Military Supplement Pay offsets any difference between a Member's regular County salary and his/her military pay. The Auditor Controller processes Military Supplement Pay, which is automatically added to the Member's paycheck.
3. A member who is on extended military leave at the beginning of a new fiscal year is considered to be completing their leave from the prior fiscal year. The Member will be eligible for a new fiscal year's 30 days of paid military leave once they have returned to work and submitted new military leave orders qualifying the Member for a new military leave.
4. A reservist required two week obligation is considered active duty and qualifies for the eligible 30 days of paid military leave per fiscal year.
5. The Uniformed Services Employment and Reemployment Rights Act (USERRA) Time Off: based on the length of the Military Leave, the Member is entitled to USERRA leave (time off after return from a long leave of absence). USERRA leave is paid through the Member's personal balances (annual, vacation, PIP, or compensatory leave) or non-paid.
    A. Military Leave length of 31 to 180 days: up to 14 days off after completion of military leave
    B. Military Leave length of 180 days or more: up to 90 days off after completion of military leave

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1014.3 ELIGIBILITY FOR UNPAID MILITARY LEAVE

Inactive Duty Training (IDT), including Weekend Drills, does not qualify for Paid Military Leave. Members may elect to use their personal accrued leave balances (annual, vacation, PIP, or compensatory leave) to cover their absence. If a Member does not have sufficient time available, time off to perform Reserve drills shall be without pay (Members are not eligible to be placed on Special Assignment). If the Member elects to perform Reserve drills without pay, he/she must contact Sheriff's Payroll to confirm his/her non-paid military status and applicable Reserve drill dates.

If the Member's Reserve obligation falls on a regular work day and the Department is given advanced notice, the Department shall make every attempt to adjust the Member's schedule to avoid the use of a Member's personal leave balances. These adjustments can include, but are not limited to, swapping shifts with other staff members within the same job classification with supervisory approval. The Member may also elect to schedule the drill training period to coincide with their regular days off if their military unit allows this practice.

1014.4 MILITARY ORDERS

Military orders must state the following:

1. Name
2. Dates of leave (start/end dates or start date and length of order)
3. Type of order:
    A. Active Duty Training (ADT)
    B. Active Duty for Operational Support (ADOS)
    C. Annual Training (AT)
    D. Operation due to a National Emergency (Mobilization Order)
4. Reporting duty station
5. Name, grade, and phone number for Point of Contact
6. Name, grade, and phone number of Requesting Official

1014.5 MEMBER RESPONSIBILITIES

1. Complete the Department's Active Military Information Memorandum (located in the My18 Document Center) and submit it to their Administrative/Scheduling Supervisor.
2. Every quarter, the Member shall verify the accuracy of their military information with their Administrative/Scheduling Supervisor.
3. The Member shall provide their military unit the Department's Military Order Requirements Memorandum.
4. Provide annual training dates, as soon as possible (unless precluded by military necessity), to their Administrative/Scheduling Supervisor.

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5. Provide drill training schedule, as soon as possible, to their Administrative/Scheduling Supervisor.
6. Submit a written copy of the military orders, as soon as possible, to their Administrative/ Scheduling Supervisor.
7. Submit a copy of Leave and Earning Statement to PSD if cumulative military leaves extend beyond 30 days per fiscal year and at the beginning of each calendar year (January) if on continuous extended military leave.
8. If military order return dates change or are extended, submit the amended order or extension order to PSD as soon as possible. This can be done via e-mail at PSDHRRecords@ocsd.org.
9. While on Military Leave, the Member shall retain their issued OCSD equipment and ensure it is safely secured.

1014.6 PSD RESPONSIBILITIES

1. Verify orders contain the information necessary for processing.
2. Verify orders with the Member's assigned military unit and determine the Member's proposed leave pay status, ie., whether the Member will be using Paid Military Leave, unpaid time off, or personal leave balances.
3. Generate the Leave of Absence form.
4. Notify Member's Division of approved Military or USERRA Leave.
5. Notify Human Resource Services (HRS) and Auditor-Controller of Extended Military Leave and provide the following:
   (a) Copy of the Military Orders
   (b) Copy of Leave and Earnings Statements
   (c) Memo processed by PSD member
6. Submit an End of Military Leave Memorandum to the Auditor-Controller upon Member's return from leave.
7. If necessary, defer probation evaluations accordingly.
8. Review Military Separation Papers (DD-214)
9. Notify the Member of their right to USERRA Leave if their leave exceeds 30 days.

1014.7 DIVISION RESPONSIBILITIES

1. The Administrative/Scheduling Supervisor will maintain each Member's current and accurate military information on the MY18 Military Reserve Tracking Dashboard.
2. The Administrative/Scheduling Supervisor shall update Member's schedules to reflect any leave or drill training.
3. Verify all necessary documentation has been accurately completed and submitted to PSD.

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Bloodborne Pathogens Exposure Control Plan

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for Department Members to assist in minimizing the risk of contracting and/or spreading bloodborne pathogens and to minimize the incidence of injury and illness.

1016.1.1 DEFINITIONS

The following definitions shall apply to this Bloodborne Pathogens Exposure Control Plan:

Blood: human blood, human blood components, and products made from human blood.

Bloodborne Pathogens: pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

Contaminated: the presence or the reasonably anticipated presence of blood or other potentially infectious materials on a surface or in or on an item.

Decontamination: the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal. Decontamination includes procedures regulated by Health and Safety Code Section 118275.

Engineering Controls: controls (e.g., sharps disposal containers, needle-less systems and sharps with engineered sharps injury protection) that isolate or remove the bloodborne pathogens hazard from the workplace.

Exposure Incident: a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of a Member's duties.

HBV: hepatitis B virus.

HCV: hepatitis C virus.

HIV: human immunodeficiency virus.

Occupational Exposure: reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of a Member's duties.

OPIM: other potentially infectious materials.

Other Potentially Infectious Materials:

1. The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any other body fluid that is visibly contaminated with blood such

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as saliva or vomitus, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids such as emergency response;

2. Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
3. Any of the following, if known or reasonably likely to contain or be infected with HIV, HBV, or HCV:
    (a) Cell, tissue, or organ cultures from humans or experimental animals;
    (b) Blood, organs, or other tissues from experimental animals; or
    (c) Culture medium or other solutions

Parenteral Contact: piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

Personal Protective Equipment: specialized clothing or equipment worn or used by a Member for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

Regulated Waste: waste that is any of the following:

1. Liquid or semiliquid blood or OPIM;
2. Contaminated items that:
    (a) Contain liquid or semiliquid blood, or are caked with dried blood or OPIM; and
    (b) Are capable of releasing these materials when handled or compressed.
3. Contaminated sharps.
4. Pathological and microbiological wastes containing blood or OPIM.
5. Regulated Waste includes "medical waste" regulated by Health and Safety Code Sections 117600 through 118360.

Sharp: any object used or encountered in the industries covered by subsection (a) that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

Sharps Injury: any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needle sticks.

Sharps Injury Log: a written or electronic record satisfying the requirements of 5193 subsection (c)(2).

Source Individual: any individual, living or dead, whose blood or OPIM may be a source of occupational exposure to the Member. Examples include, but are not limited to, hospital and clinical patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

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Universal Precautions: an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other bloodborne pathogens.

Work Practice Controls: controls that reduce the likelihood of exposure by defining the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique and use of patient handling techniques).

1016.2 CONTACT WITH BLOOD OR BODY FLUIDS

All Department Members who may be involved in providing emergency medical care, or who come in contact with another person's blood or body fluids (e.g., during an altercation or while attending to any injured person), shall follow the procedures and guidelines in this policy. Department supervisors are responsible for exposure control in their respective areas. They shall work directly with affected Members to ensure that the proper exposure control procedures are followed.

Occupational exposure to bloodborne disease is possible when another person's infected blood, certain body fluids, or other potentially infectious materials **enter a Member's bloodstream through a break in the skin or a splash to the mucous membranes** during the performance of his or her duties. This type of contact with blood and body fluids may transmit infection of the Hepatitis B virus (HBV), Hepatitis C virus (HCV) and/or Human Immunodeficiency Virus (HIV).

Blood and body fluids linked to transmission of HBV, HCV, and HIV:

1. Blood
2. Semen
3. Vaginal secretions (including menstrual discharge)
4. Amniotic fluid
5. Cerebrospinal fluid, Synovial (joint) fluid
6. Pleural (chest) fluid, Peritoneal (abdomen) fluid
7. Pericardial (heart) fluid

Unless visible blood is present, the following body fluids are not linked to transmission of HBV, HCV, and HIV:

1. Feces
2. Nasal secretions
3. Saliva Sputum (lung/mucous)
4. Tears
5. Urine
6. Vomit

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Under circumstances where differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials. All blood shall be considered infectious, regardless of the perceived status of the source individual.

Other Potentially Infectious Materials (OPIM) include:

1. Any unfixed tissue or organ (other than intact skin) from a human (living or dead)
2. Cell, tissue, or organ cultures
3. Culture medium or other solutions

1016.2.1 UNIVERSAL PRECAUTIONS

Universal Precautions is an approach to infection control where you treat all blood and body fluids as if they are known to be infected with a bloodborne disease. Always use personal protective equipment (PPE) and other infection control practices when you come in contact with blood or body fluids.

In addition to using PPE, infection control practices for universal precautions include covering cuts, open sores, and abrasions on skin with a bandage, and decontaminating skin, mucous membranes, equipment, clothing, and the worksite as applicable.

1016.2.2 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against bloodborne pathogens.

Members shall use appropriate personal protective equipment (PPE) when performing tasks involving reasonably anticipated contact with blood or body fluids. Appropriate PPE for any task should be chosen based on the likelihood of exposure to blood or body fluids (including the possibility of spilling, splashing, spraying, or soaking).

The only exception to the requirement above shall be those rare and extraordinary occasions when, in the professional judgment of the Member, wearing the required PPE would have prevented delivery of health or public safety services or would have posed an increased hazard to the Member or coworkers. If an exposure incident occurred in such a situation, the circumstances must be investigated and documented to determine whether such occurrences can be prevented in the future. Document the findings on the Supervisor's Investigation of Member's Injury or Illness form and on form CDPH 8459. Members should report all such instances to their Supervisor without fear of reprisal (per Cal/OSHA regulation 3203).

GLOVES

1. Gloves shall be worn when hand contact with blood, body fluids, mucous membranes, non-intact skin; or contaminated items or surfaces can be reasonably anticipated.
2. Members with known minor skin defects (e.g. cuts, abrasions, burns, etc.) shall cover the areas with a bandage, in addition to using gloves.
3. If disposable gloves are torn, punctured, contaminated, or when their ability as a barrier is compromised, they shall be replaced as soon as feasible.

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MASKS, EYE PROTECTION, FACE SHIELDS

1. Face and eye protection shall be used whenever splashes, sprays, spatters, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

PROTECTIVE OUTER GARMENTS

1. Appropriate protective outer garments shall be worn in occupational situations where there is a reasonably anticipated risk of exposure to blood or OPIM. Examples of protective outer garments include coveralls, gowns, aprons, and/or lab coats.

SURGICAL CAPS/HOODS AND SHOE COVERS

1. Surgical caps/hoods and/or shoe covers shall be worn in instances when gross contamination can reasonably be anticipated.

1016.2.3 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

If someone else's blood or other potentially infectious materials contact a Member's skin, the Member shall immediately wash the exposed body part(s) with soap and warm water as soon as practicable. If hand washing facilities are not readily available, an antiseptic towelette or hand cleaner shall be used. Then, as soon as feasible, hands shall be washed with soap and warm water (Antiseptic wipes are available in first aid kits). If large areas of the Member's skin are contaminated, the Member shall shower as soon as possible, using warm water and soap.

Contaminated non-intact skin (e.g., injured skin or open wound) shall also be dressed or bandaged, as needed. Medical treatment is required; contact a Workers' Compensation Treatment Facility and follow the procedures in section 1016.4.

1016.2.4 IMMUNIZATIONS

The Orange County Health Care Agency (HCA)/Employee Health Services provides services for Hepatitis B vaccination. HCA has received justification that Members in job classifications listed in sections 1016.6 may have occupational exposure to a communicable disease, and shall be offered the Hepatitis B vaccination free of charge.

Per HCA/Employee Health Services, designated First Aid responders who respond only as a collateral duty, and who are not public safety personnel, will only be vaccinated after response to an incident where blood/OPIM is present (unless their job classification is listed in sections 1016.6).

1016.2.5 WORK PRACTICES

Whenever contact with blood, body fluid, or OPIM is reasonably anticipated, all Members shall use the appropriate barrier precautions to prevent exposure to non-intact skin or mucous membranes.

Members shall bandage open wounds, cuts, or rashes on hands and arms to avoid direct contact with blood or OPIM. Bandages should be changed if they become wet or soiled.

Disposable gloves shall be worn on all medical emergency responses and as soon as conditions permit when a suspect or inmate displays combative or threatening behavior and/or when blood

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or OPIM is present. Disposable gloves shall also be worn when cleaning or handling items or surfaces soiled with blood or other body fluids. Care should be taken to avoid touching other items (e.g., pens, books, surfaces, and personal items, etc.) while wearing the disposable gloves in a potentially contaminated environment.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The Member shall wash up with soap and warm water and replace the personal protective equipment if the job has not been completed. If this situation resulted in blood or OPIM exposure to non-intact skin or mucous membranes, follow sections 1016.4 through 1016.4.2.

When removing personal protective equipment (PPE), gloves shall be the last item of PPE removed. Members shall wash their hands immediately (on scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Soap and warm water shall be used to wash hands, paying particular attention to the fingernails. When hand washing facilities are not readily available, waterless antiseptic hand cleanser in conjunction with clean paper towels or antiseptic towelettes shall be used. Then, hands shall be washed with soap and running water as soon as feasible.

All procedures involving blood or OPIM shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where there is a reasonable likelihood of occupational exposure to blood or OPIM.

Use a protective barrier or a CPR mask ("pocket mask" with a one way valve) when performing mouth to mouth resuscitation.

Wear gloves when conducting searches, and do not search blindly by reaching where you cannot see.

Additional policies and procedures may be included in (but not limited to) the following:

1. Custody and Court Operations Manual (CCOM): 1710, 1808, 2100, 2108, 2110, 2400, 2402, 2404, and 3000.
2. Field Operations Manual: Section 5, Section 23, and Section 44.
3. Training Bulletins: 07-02, 10-08, and 10-10.
4. Department Postings: Exposure to Bodily Fluids/Revised Procedures, and Work Related Hospitalizations and Serious Injuries and Illnesses.

1016.3 DISPOSAL AND DECONTAMINATION

Most items contaminated with blood, body fluids, or OPIM do NOT qualify for biohazard disposal. In general, anything that can be cleaned, should be cleaned. This includes but is not limited to surfaces, jail bed mats, and riot gear. Follow the manufacturer's instructions.

For cleaning and decontamination, use a germicide effective against HIV and Hepatitis B or a bleach solution (e.g., 1:10 concentration, one part bleach to 10 parts water). Follow the

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manufacturer's instructions for the product used including recommended saturation times. The Environmental Protection Agency's (EPA) lists of products effective against HIV and Hepatitis B can be found on the intranet, under Knowledge Center/Safety. Bleach solutions shall be dated when mixed and shall not be used more than 24 hours after mixing.

If contaminated items (such as paper towels and disposable gloves) will not release liquid or semiliquid blood, caked/dried blood, or OPIM when handled or compressed, they may be disposed of in the regular trash.

Whenever possible, disposable items shall be used to contain and cleanup blood or OPIM. To allow for disposing of clean-up materials into the regular trash, use a large number of paper towels (or other disposable materials) so that fluid blood, caked/dried blood, or OPIM will not be released from any of the materials when they are handled or compressed.

1016.3.1 USE OF WASTE CONTAINERS

Biohazard waste capable of releasing fluid blood, caked/dried blood, or OPIM when handled or compressed shall be disposed of in either a red biohazard bag or a leakproof bag with an affixed biohazard label; then, the bag shall be placed into an appropriately marked biohazard waste container. Some options for use of biohazard containers may include the onscene fire response vehicle, the hospital, or Correctional Medical Services, with their approval.

Note: If using a leakproof bag (such as a trash can liner) in lieu of a red biohazard bag, a biohazard label must be affixed. See section 1016.3.2 for details on container labels.

*If contaminated items (such as paper towels and disposable gloves) will **not** release liquid or semiliquid blood, caked/dried blood, or OPIM when handled or compressed, the items may be disposed of in the regular trash.*

For details on sharps, see section 1016.3.3.

1016.3.2 BIOHAZARD CONTAINER LABELS

Container labels shall include either the symbol/graphic for biohazard or an inscription to indicate BIOHAZARDOUS WASTE or SHARPS WASTE. Labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color. Labels shall either be an integral part of the container or shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All sharps and objects that cut or puncture (e.g., broken glass, razors, syringes, knives or any other item that could pose a risk) shall be treated cautiously to avoid cutting, stabbing, or puncturing yourself or any other person. Use a device such as a broom and a dustpan or tongs to clean up the object or debris. If the object must be hand held, protective gloves must be worn. If a sharp contains known or suspected blood or OPIM, the object is to be treated as contaminated.

Use established procedures for handling, packaging, and sealing sharps that will be booked as evidence. Comply with OCSD's General Evidence Packaging Guidelines. Unless required

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for evidentiary reasons related to evidence preservation, Members are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal of sharps, when applicable (such as when not being booked as evidence), shall be into an appropriately labeled, rigid, puncture-proof, leak-proof on the sides and bottom, and portable, biohazard sharps container. Biohazard sharps containers shall be easily accessible to personnel and located as close as feasible to the immediate area where sharps are used or can be reasonably anticipated to be found. The containers shall also be maintained upright throughout use, where feasible and replaced as necessary to avoid overfilling.

Supervisors shall document injuries caused by a sharp (needle, razor, scalpel, etc.), on a Sharps Injury Log (Form F042-24.1362), which is available on the Intranet under Knowledge Center/ Forms and/or Knowledge Center/Safety. Supervisors shall retain the original, and pony mail a copy to OCSD/SAFE Division/Safety within 14 days of the exposure.

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Disposable gloves shall not be washed or decontaminated for reuse. Used, disposable gloves can be disposed of in a regular trash can - **provided** they will **not** release liquid or semi-liquid blood, caked/dried blood, or body fluids when handled or compressed. If gloves are saturated with blood or body fluids, use paper towels to absorb the excess before removing gloves.

1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected (see section 1016.3) and stored appropriately. Contaminated reusable personal protective equipment that must be transported prior to cleaning shall be placed into a biohazard waste bag or leak-proof bag with an affixed biohazard label. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded as described in section 1016.3.4.

Utility gloves may be decontaminated for reuse if the integrity is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, portable radio) shall be decontaminated as soon as possible, using products described under section 1016.3. Large particles of contaminants such as, vomit, feces, etc. should first be removed and disposed of (use a disposable towel or other means to prevent direct contact).

Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered, and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution or approved germicide, rinsed, and allowed to dry. Delicate equipment should be brushed and scrubbed very carefully using a minimal amount of an approved germicide (See section 1016.3). While cleaning equipment, pay close attention to handles, controls, corners, and tight spots.

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1016.3.7 DECONTAMINATION OF LAUNDRY

Personal protective equipment shall be used to prevent contact with laundry contaminated with blood or Other Potentially Infectious Materials (OPIM).

Whenever contaminated laundry is wet and presents a reasonable likelihood of soaking through or leaking from the bag or container, the laundry shall be placed and transported in secondary bags or containers that prevent soak-through of fluids to the exterior.

Laundry contaminated with blood or OPIM shall be handled as little as possible, with a minimum of agitation.

Inmate Laundry:

Follow procedures in the Custody and Court Operations Manual (CCOM) and/or all other Departmental or facility-specific laundry policies.

Member Uniforms or Clothing:

As quickly after the exposure as practicable, gloves shall be used to remove uniforms or clothing contaminated with another person's visible blood or OPIM in the line of duty. Garments shall be placed in a leak-proof bag, labeled as biohazard, and taken for cleaning using the procedures below. Use either a red, biohazard bag or affix a biohazard label to a leak-proof bag, such as a trash can liner.

Removal of the contaminated uniform or clothing should be done at the work location. The only exception to this should be Members in special assignments who respond from home to an incident. However, in all instances, all of the other steps in the paragraph above and those below, should still be followed.

Members shall notify their supervisor of the garments contaminated with another person's visible blood or OPIM, and obtain approval for department-paid cleaning.

Note: Department-paid cleaning only applies to garments contaminated with another person's visible blood or OPIM. **Garments containing mucous, saliva, vomit, urine, feces, or tears do <u>not</u> qualify unless visible blood is present.** These body fluids are not linked to transmission of HBV, HCV, or HIV <u>unless</u> visible blood is present. Dirt or grease, etc., also do not qualify for Department-paid cleaning.

The uniform or other clothing contaminated with another person's blood or OPIM should be taken to the nearest dry cleaning drop-off closet in the Department. A cleaning ticket must be completed. In the event that the Member has to initially pay for the cleaning at the time of the drop-off, reimbursement shall be provided, based on their supervisor's prior approval, as outlined above.

Extensive Contamination:

For uniforms that are so extensively contaminated with another person's blood or OPIM that the Member would not feel comfortable wearing it even after it was laundered, the Member should seek their supervisor's permission for biohazard disposal and uniform replacement. If the Member

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has already used their maximum uniform exchange allowance for the year, additional approvals from the Member's Chain of Command may be needed for uniform replacement.

Garments extensively contaminated with blood should be bio-hazard bagged and taken to the Coroner's Office for biohazard disposal. Any Member handling the biohazard bag shall wear personal protective equipment (PPE).

1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with a germicide effective against HIV and Hepatitis B (see section 1016.3) as soon as feasible and prior to reuse. For gross contamination and/or if fluids have seeped into areas that would require dismantling or removal of parts, contact a supervisor to determine the course of action.

1016.3.9 DECONTAMINATION OF WORKSITE

All worksites shall be maintained in a clean and sanitary condition.

Equipment and work surfaces contaminated with blood or OPIM shall be cleaned and decontaminated immediately or as soon as feasible but no later than the end of the shift when:

1. Surfaces become overtly contaminated;
2. There is a spill of blood or OPIM;
3. Procedures are completed (autopsies, forensic blood examination, etc.);
4. At the end of the work shift, if the surfaces have become contaminated since the last cleaning.

See section 1016.3 regarding decontamination products.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP

In actual or suspected exposure incidents, proper documentation and follow up action must occur by following the procedures in sections 1016.4.1 and 1016.4.2.

Exposure incident

An exposure incident means a specific eye, mouth, mucous membrane, non-intact skin, or parenteral (piercing mucous membrane or skin) contact with blood or OPIM that results from the performance of occupational duties. See section 1016.2 for additional information about exposure incidents. The Orange County Health Care Agency (HCA) provides services for Hepatitis B vaccination. Workers' Compensation Treatment Facilities provide post exposure evaluation and follow-up.

1016.4.1 MEMBER RESPONSIBILITY TO REPORT EXPOSURE

In order to provide appropriate and timely treatment, all Members shall complete the following steps after an exposure incident:

1. Immediately clean/wash the exposed area and obtain first aid, as needed.

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2. Report the exposure incident to your supervisor.
3. Complete Form (CDPH 8459) California Department of Public Health Report of Request and Decision for HIV Testing (available on the Intranet, under Knowledge Center/Forms or Knowledge Center/Safety).
    (a) Complete fields 1-10 and the "Date Report was Filed" field; and, sign the "Signature of Person Reporting Incident" field. The bottom of the form should be left blank, for completion by the County of Orange Health Care Agency (HCA).
    (b) Fax the completed Form CDPH 8459 to (714) 565-3788 (Employee Health) **before the end of your shift**.
4. Immediately call or visit a Worker's Compensation Treatment Facility to discuss the exposure incident and determine if testing and/or treatment is needed.
    (a) It is important to seek medical treatment within 2 hours of the exposure.
    (b) For details on what constitutes an exposure incident, see sections 1016.2 and 1016.4.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS
Supervisors shall take the following steps when a Member reports an exposure incident:

1. Complete the required forms from the Employee Injury and Illness Packet (available on the intranet, under Knowledge Center/Forms.).
2. Provide the Member with the following documents:
    (a) Form (CDPH 8459) California Department of Public Health Report of Request and Decision for HIV Testing. This form must be completed by the Member and faxed before the end of his or her shift. Obtain the form from the Intranet, under Knowledge Center/Forms or Knowledge Center/Safety.
    (b) Applicable forms from the Employee Injury and Illness Packet.
3. Fax completed forms to Sheriff's Workers' Compensation at (714) 834-3183.
4. For all exposure incidents involving a sharp (needle, scalpel, etc.), complete a Sharps Injury Log [Form F042-24.1362] (available on the Intranet, under Knowledge Center/ Forms and/or Knowledge Center/Safety). Retain the original, and pony mail a copy to OCSD/SAFE Division/Safety within 14 days of the exposure.
5. If the exposure incident involves a deceased source individual, contact the Coroner's Office to verify if they will receive the body and be able to obtain a blood sample for source testing. Contact can be made in person at the scene, or by calling the Coroner's office/Investigations Unit at (714) 647-7411. A request for disease testing must be made prior to the autopsy.
    (a) If the Coroner's office will not receive the body, investigate where the body will be taken, as well as contact information for relatives of the deceased. Provide this information to Employee Health Services on form CDPH 8459 so they can work toward obtaining consent for disease testing.

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(b) The Orange County Health Care Agency/Employee Health Services (EHS) is responsible for providing the results of the source testing to the Member. To ensure that EHS is aware of the request for source testing, the Member must complete and submit the CDPH 8459 (Report of Request and Decision for HIV Testing) as instructed under "Employee Responsibility to Report Exposure".

1016.4.3 RECORDKEEPING AND CONFIDENTIALITY OF REPORTS
The Orange County Health Care Agency (HCA)/Employee Health Services shall ensure that medical records related to exposure incidents are maintained and kept confidential in accordance with Cal/OSHA Regulation 5193.

1016.5 COMMUNICATION

Access to the Exposure Control Plan shall be accessible in accordance with Title 8, Section 3204(e). A complete copy of the Bloodborne Pathogens regulation (Title 8, Section 5193) and a copy of this Exposure Control Plan are available on the Intranet, under Knowledge Center/Safety.

1016.5.1 TRAINING CONTENT
Bloodborne Pathogens training shall contain, at a minimum, the elements required under Title 8, Section 5193(g)(2)(G).

1. Copy and Explanation of Standard (Title 8, Section 5193). An accessible copy of the regulatory text of this standard and an explanation of its contents;
2. Epidemiology and Symptoms. A general explanation of the epidemiology and symptoms of bloodborne diseases;
3. Modes of Transmission. An explanation of the modes of transmission of bloodborne pathogens;
4. Employer's Exposure Control Plan. An explanation of the employer's exposure control plan and the means by which the Member can obtain a copy of the written plan;
5. Risk Identification. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and OPIM;
6. Methods of Compliance. An explanation of the use and limitations of methods that shall prevent or reduce exposure including appropriate engineering controls, administrative or work practice controls and personal protective equipment;
7. Decontamination and Disposal. Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;
8. Personal Protective Equipment. An explanation of the basis for selection of personal protective equipment;
9. Hepatitis B Vaccination. Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination shall be offered free of charge (see section 1016.6 for affected Members);

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10. Emergency. Information on the appropriate actions to take and persons to contact in an emergency involving blood or OPIM;
11. Exposure Incident. An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident, the medical follow-up that will be made available and the procedure for recording the incident on the Sharps Injury Log;
12. Post Exposure Evaluation and Follow-Up. Information on the post exposure evaluation and follow up required following an exposure incident;
13. Signs and Labels. An explanation of the signs and labels and/or color coding required;
14. Interactive Questions and Answers. An opportunity for interactive questions and answers with the person conducting the training session.

1016.5.2 TRAINING DOCUMENTATION

Training for each Member shall be documented on the County of Orange Documentation of Training for Occupational Exposure to Bloodborne Pathogens form F042-24.1373 (R07/10). Forms can be obtained through a supply order or printed from the Intranet, under Knowledge Center/Safety.

Members in job classifications not listed in 1016.6 may still attend the Bloodborne Pathogens training. However, they will not be eligible to receive the Hepatitis vaccine free of charge from HCA/ Employee Services. One example of this is Supervisors who oversee Members with occupational exposure to blood or OPIM, but do not have occupational exposure themselves. Members who are not eligible for free vaccination from HCA should decline the vaccination on the County of Orange Documentation of Training for Occupational Exposure to Bloodborne Pathogens form.

A training roster shall also be completed and collected, and a copy shall be forwarded to OCSD/ SAFE Division/Safety. As required by Cal/OSHA, it shall include the name and qualifications of the instructor such as, attended HCA's Bloodborne Pathogens Train-the-Trainer Class on mm/dd/ yyyy. A copy of the recommended training roster is available on the Intranet, under Knowledge Center/Safety.

During Bloodborne Pathogens training, Members shall be polled for their feedback regarding the procedures performed by them in their respective work areas. The recommended form for collecting this feedback is available on the Intranet, under Knowledge Center/Safety (Titled: BBP Class Employee Survey) or on the reference DVD provided by HCA to staff who attended the Bloodborne Pathogens Train-the-trainer course (Titled: BBP Exp Control Plan Review and Update Survey). Feedback provided shall be forwarded to OCSD/SAFE Division/Safety, and it shall be used to review and update the Exposure Control Plan, if needed. A method for obtaining Member feedback is required per Title 8, Section 5193(c)(1)(B)(8).

1016.5.3 REQUIREMENTS FOR TRAINERS

Instructors are required to attend an initial Bloodborne Pathogens Train-the-Trainer course, presented by the Orange County Health Care Agency; then, attend annual update classes. If an instructor does not attend an annual update class, he or she shall be required to retake the initial course for new trainers.

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1016.6 EXPOSURE DETERMINATION

The California Occupational Safety and Health Administration (Cal/OSHA) requires employers to perform an exposure determination concerning which employees may incur occupational exposure to blood or Other Potentially Infectious Materials (OPIM). The exposure determination is made without regard to the use of personal protective equipment.

Exposure Categories:

The Orange County Health Care Agency (HCA)/Employee Health Services has received justification that Members in the following exposure categories are eligible to receive the Hepatitis B vaccine free of charge. To propose additional Job Classifications for consideration for free Hepatitis B vaccination eligibility, Commanders should submit a memo to HCA/Employee Health Services, listing the job classifications being submitted for consideration for Hepatitis B vaccination eligibility, justifying specific routine tasks or procedures associated with a reasonably anticipated risk of occupational exposure to blood or OPIM, and providing detailed examples of the occupational exposure scenarios. A copy of this memo should also be submitted to S.A.F.E. Division/Safety.

- The following is a list of job classifications in which **ALL** Members in those job classifications have a reasonably anticipated risk of occupational exposure to blood or OPIM:

Correctional Services Assistant
Deputy Coroner
Deputy Sheriff I & II
Forensic Assistant I & II
Investigator
Senior Deputy Coroner
Sergeant
Sheriff's Special Officer I, II, & III
Supervising Forensic Assistant
Supervisor, Forensic Operations

- The following is a list of job classifications in which **SOME** Members have a reasonably anticipated risk of occupational exposure to blood or OPIM, along with a list of tasks and procedures or groups of closely related tasks and procedures in which occupational exposure may occur:

Job Classification	**Task/Procedure**
Air Conditioning Mechanic	Working in the jails or Coroner's Office
Correctional Services Tech	Supervising decontamination
Facilities Mechanic	Working in the jails or Coroner's Office
Forensic Scientist I, II, & III	Process body, body parts, or body tissues
Forensic Specialist	Process body, body parts, or body tissues

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Forensic Technician	Process body, body parts, or body tissues
Legal Property Tech	Process body, body parts, or body tissues
Senior Legal Property Tech	Process body, body parts, or body tissues
Senior Forensic Assistant	Process body, body parts, or body tissues
Senior Forensic Scientist	Process body, body parts, or body tissues
Plumber	Working in the jails or Coroner's Office
Job Classification	**Task/Procedure**

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All Job Classifications in Inmate Services Division: Administrative Manager I, II, & III, Accounting Office Supervisor, Accounting Specialist, Accounting Technician, Associate Librarian, Chief Cook, Correctional Program Supervisor I & II, Correctional Program Technician, Correctional Service Technician, Education Assistant, Education Services Coordinator, Information Processing Specialist, Information Processing Technician, Library Assistant, Office Assistant, Office Supervisor, Office Technician, Public Health Nutritionist II, Senior Head Cook, Senior Institutional Cook, Senior Storekeeper, Staff Specialist, Storekeeper II, Vocational Instructor, Warehouse Worker II, III, & IV	Contact with Inmates

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Rules of Conduct - General

1018.1 STANDARD OF CONDUCT

1. Members shall conduct their private and professional lives in such a manner as to avoid bringing discredit upon themselves or the Department.
2. Commissioned officers shall conform with the Code of Professional Conduct and Responsibilities for Peace Officers (Policy 1001).

1018.2 LOYALTY

Members shall maintain such loyalty to the Department and their associates as is consistent with their oath of office and personal and professional ethics. Loyalty to the Department and to associates is an important factor in Departmental morale and efficiency.

1018.3 COOPERATION

Members shall establish and maintain a high spirit of cooperation within the Department and with other agencies. Cooperation between the ranks and units of the Department and between the Department and other law enforcement agencies is essential to effective law enforcement.

1018.4 INSUBORDINATION

Members shall not be insubordinate. Intentional failure or refusal by any Member of the Department to obey a lawful order given by a superior officer shall be insubordination.

1018.5 PERFORMANCE OF DUTY

Members shall perform their duties as required or directed by law, Department rules/regulations, procedures, policies, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed.

1018.6 OBEDIENCE TO LAWS AND REGULATIONS

1. Members shall observe and obey all laws and ordinances, all rules/regulations, procedures and policies of the Department and all orders of the Department or Commands thereof. In the event of improper action or breach of discipline, it will be presumed that the Member was familiar with the law, rule/regulation, procedure or policy in question.
2. Members are to report to their immediate supervisor within 24 hours any arrest, incident, or allegation of criminal or other misconduct, which could result in the Member being criminally prosecuted. All allegations of criminal and other misconduct will be immediately documented by the supervisor in memo form to his/her Commander/ Director.
3. Members authorized to carry a handgun, on duty or off duty, must immediately notify their Commander if they have been convicted of any domestic violence offense. Defined: "Any use or attempted use of physical force committed against a current or former spouse, parent or person similarly situated."

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4. Members authorized to carry a handgun, on duty or off duty, must immediately notify their Commander if they are currently the subject of a court restraining order, which is based upon threats of violence.

1018.6.1 PREVENTION OF WORKPLACE VIOLENCE

County policy prohibits the possession or use of dangerous weapons by County employees acting within the course and scope of employment at the workplace, in a County building or property, or while traveling in County-owned or leased vehicles. Members with Carry Concealed Weapon (CCW) license are prohibited to carry or possess their CCW weapon within any state or local building. This provision does not apply to peace officers, Sheriff's Special Officers and reserve deputies authorized by law and the Department to carry firearms while on duty.

A dangerous weapon is a firearm, or any other instrument capable of producing bodily harm when used in a manner and under circumstances that manifests an intent to harm, or intimidate another person, or that would cause a reasonable person to have concern for their safety or the safety of another. For further information, refer to the County of Orange "Prevention of Workplace Violence" policy approved by the Board of Supervisors.

1018.7 ESTABLISHING ELEMENTS OF A VIOLATION OF LAW

The existence of facts establishing a violation of the law or ordinance is all that is necessary to support any allegation under Section 1018.6. When a violation of law occurs under Section 1018.6, lack of criminal prosecution shall be no bar to administrative discipline.

1018.8 CONDUCT TOWARD SUPERIOR AND SUBORDINATE OFFICERS AND ASSOCIATES

Members shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. They shall not maliciously ridicule one another or the orders issued by competent authority.

1018.9 COURTESY TO RANK

While on duty, commissioned personnel holding rank shall be addressed by such rank.

1018.10 CRITICISM OF ORDERS

Members shall not criticize instructions or orders in the presence of subordinates or persons from outside the Department.

1018.11 ISSUING ORDERS

Orders shall be issued in clear and understandable language and in pursuit of Departmental business. No Member shall issue any order, which is in violation of any law, or ordinance or which is beyond the scope of their authority.

1018.12 OBEDIENCE TO UNLAWFUL ORDERS

Obedience to an unlawful order is never a defense for an unlawful action; therefore, no Member is required to obey any order, which is contrary to federal or state law or county ordinance.

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Responsibility for refusal to obey an unlawful order rests with the Member and they must be able to justify their action.

1018.13 CONFLICTING ORDERS

In the event of a conflict of orders, Members shall call such conflict to the attention of the superior issuing the last order. Responsibility for countermanding the original order then rests with the individual issuing the second order. Should the superior not change or rescind the order, it shall be obeyed, and Members shall not be held accountable for violating the previous order. Orders shall be countermanded, or conflicting orders issued only when necessary for the good of the Department.

1018.14 SOLICITING GIFTS, GRATUITIES, REWARDS, LOANS, ET CETERA

Members, in their official capacity, shall not solicit any gifts, gratuities, rewards, loans, or establish any accounts, where there is any direct or indirect connection between the solicitation and their Departmental membership, without authorization from the Sheriff-Coroner.

1018.15 ACCEPTANCE OF GIFTS, GRATUITIES, REWARDS, LOANS, ET CETERA

Members shall not accept any gift, gratuity, reward or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of the Member or other Member in any matter of official business, or which might tend to cast an adverse reflection on the Department or its Members.

1018.16 OTHER TRANSACTIONS

Members are prohibited from buying or selling anything of value to or from a prisoner, or any complainant, plaintiff, suspect, witness, defendant, or other person currently involved in any case which has come to the Member's attention or which arose out of their Departmental employment, except as may be specifically authorized by the Sheriff-Coroner.

1018.17 FREE ADMISSION AND PASSES

Members shall not solicit free admission to theaters or other places of amusement for themselves or others except in the line of duty.

1018.18 REPORTING FOR DUTY AND TIME OFF REQUESTS

1. Members shall report for duty at the specified time and place and in the attire appropriate to their duty assignment. Inability to comply shall be reported to their superiors as early as possible in advance of the scheduled start time.
2. Members, when applicable, shall submit their time off requests and receive approval from their supervisor prior to taking time off.
3. It is the responsibility of each Member to ensure the accuracy of their timecards by entering the hours worked and requested time taken off into OC TIME (WorkForce). Members shall certify the accuracy by electronically submitting their timecard to their supervisor for final approval.
4. It is the responsibility of each supervisor to review and approve Member's timecards.

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5. Divisions utilizing the "Report of Absence" forms shall retain them within their division in accordance with the Department's records control schedule.

1018.19 MAINTENANCE OF TELEPHONE

All sworn Members are required to maintain a cellular or residence telephone.

1018.20 CHANGE OF ADDRESS AND PHONE NUMBERS

Members shall, within 24 hours, report any change in address and telephone number to their command superior and the Professional Standards Division. Additionally, Members are required to annually review their contact information during the month of January, ensuring its accuracy.

Upon separation from the Department, Members should update their Address of Record (AOR) with the Professional Standards Division. Additionally, Members that used the Department's address as their AOR with outside entities (e.g. POST, professional memberships, etc.) must update their AOR with such entities to ensure the receipt of correspondence upon separation. The Department will not be responsible for forwarding correspondence from outside entities to a separated Member.

1018.21 APPEARANCE - WORK AREA

Members shall maintain their individual desks, work areas, etc. in a neat, clean, and orderly condition at all times. Desks shall be cleared at the end of the tour of duty and work materials properly stored.

1018.22 APPEARANCE - PERSONAL

1. Members shall be neat and clean in their person and attire when on duty. They shall maintain good personal hygiene and keep their hair neatly trimmed and combed and their fingernails clean. Members wearing civilian clothes shall adopt attire appropriate to a neat, conservative, businesslike appearance (See Policy 1044).
2. Members who are attending training classes may dress in casual clothing that is in keeping with acceptable community standards unless otherwise directed. Items such as tank tops, tube tops, halter-tops, shorts, cutoffs, sandals and other beachwear shall not be worn.

1018.23 DAMAGE TO PRIVATE, REAL OR PERSONAL PROPERTY

1. Any material damage to private, real or personal property committed in the performance of official duties shall be promptly reported to the Member's superior in writing.
2. If a Member's personal property is damaged during the course of their duties, a claim for damages shall be made to County Risk Management. Claim forms can be obtained from the Professional Standards Division.

1018.24 CARE OF PROPERTY AND EQUIPMENT

1. Members shall be responsible for the proper care, maintenance and serviceable condition of any county property issued or assigned to their use. They shall report

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to their Commander the loss of, damage to, or unserviceable condition of any such property.

2. Members shall not loan to any person their identification card, badge or cap piece.
3. Members shall not permit any unauthorized person the use of any county equipment issued to the Member.

1018.25 MISAPPROPRIATION OF PROPERTY

No member shall appropriate for their own use or the use of another, any property belonging to the county or any item of evidence, found, stolen or recovered property, except as provided by law.

1018.26 SURRENDER OF COUNTY PROPERTY

1. Upon separation from the Department, Members shall surrender all county and Departmental items of property to the Professional Standards Division within 48 hours.
2. Department issued equipment, including handguns and badges are the sole property of the Department and shall be returned immediately upon request.

1018.27 UNTRUTHFULNESS

No Member shall knowingly make false statements or misrepresentations to other Members or superiors.

1018.28 REMOVAL OR ALTERATION OF OFFICIAL RECORDS PROHIBITED

Members shall not remove or alter any official record of the Department except as directed by superiors in accordance with established Departmental procedures, or under due process of law.

1018.29 OFFICIAL CORRESPONDENCE

Only those Members authorized by the Sheriff-Coroner may engage in official Departmental correspondence.

1018.30 DEPARTMENT LETTERHEAD

All official correspondence shall be written on the Department's official letterhead stationery. Official letterhead shall not be used for any purpose other than official business.

1018.31 ABSENCE FROM DUTY

No Member shall be absent from duty without proper leave or permission from, or notification to, the appropriate supervisor.

1018.32 SICK LEAVE

1. While on official paid sick leave, Members shall remain at home or other place of confinement except when, in the Department's judgment, their individual circumstances justify leaving the place of confinement. Members shall advise the Department of their place of confinement.
2. Members shall not feign illness or injury or deceive a superior as to the Member's health condition.

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1018.33 INCURRING LIABILITY

Members shall exercise extreme caution and good judgment to avoid occurrences that might give rise to liability chargeable against the Department, the Sheriff-Coroner, or the county.

1018.34 PATRIOTIC COURTESY

To the flag:

1. On the approach of the American flag or during flag ceremonies, Members shall stand, face the flag and come to attention. If in uniform and covered, they shall render a hand salute and maintain the salute until the flag has passed. Members uncovered or Members in civilian dress shall place their right hand over their left breast.

The United States national anthem:

1. When the United States national anthem is played, Members in uniform shall face the source, stand at attention and, if covered, render a hand salute. They shall maintain the salute until the conclusion of the national anthem. Members uncovered or Members in civilian dress shall place their right hand over their left breast.

Funerals:

1. When a funeral procession for a Department Member or other person to whom national and/or local recognition is given approaches, Members in uniform shall come to attention and render a hand salute. They shall maintain the salute until the procession passes. While passing a casket to view the remains at a funeral, they shall place their cap over their left breast.

1018.35 USE OF INTOXICANTS

1. Members of the Department shall not report for or be on duty while under the influence ofalcohol or drugs or be unable to effectively carry out their duties and responsibilities because of their use. No Member shall use any intoxicating substance, including alcohol or drugs, while on duty except when necessarily consumed in the line of duty. For additional requirements regarding drug and alcohol testing, including the consequences of a confirmed positive test, see Policies 1011 (Drug Testing) and 1012 (Alcohol and Drug Use).
2. Members, on or off duty, shall not display uniform insignia or badges during the purchase of alcoholic beverages, marijuana, or THC-related products.
3. Members shall not operate a Department vehicle (defined in section 706.2) or possess a firearm if they have taken any medication, marijuana, or THC containing products,or consumed an alcoholic beverage, or combination thereof, that would tend to adversely affect their mental or physical abilities.

1018.36 INTOXICANTS ON DEPARTMENTAL PREMISES

Alcoholic beverages, marijuana, or THC-related products shall not be brought onto Departmental premises except in furtherance of a law enforcement task or Department approved activity.

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1018.37 SMOKING, TOBACCO USE AND ELECTRONIC SMOKING DEVICES

Department Members are prohibited from smoking, using tobacco in any form or using electronic smoking devices while on duty in public view, except in a designated smoking area. Department Members are also prohibited from smoking or using any electronic smoking devices inside any Department workplace, facility, or vehicle.

1018.38 SLEEPING ON DUTY

Members shall not sleep on duty.

1018.39 USE OF OFFENSIVE LANGUAGE

Members should not use offensive or uncomplimentary language within the hearing of any other person.

1018.40 OFFENSIVE CONDUCT

Members shall not antagonize any person by their actions, speech, or demeanor.

1018.41 RECEIPT OF TRAFFIC CITATION - COUNTY VEHICLE

Members who receive a traffic citation while operating a county vehicle shall not request the Department to intercede in their behalf but shall handle the matter as a private citizen.

1018.42 FIXING TICKETS

Members shall not "attempt to fix" or "fix" a citation for a traffic violation.

1018.43 FRATERNIZATION

1. Except as permitted by written authority of their Commander, no Member shall fraternize with, engage the services of, accept services from, or give to or receive favors from any person in Department custody or recently released (within one year) from Department custody. Any Member who is contacted by or on behalf of a recently released (within one year) prisoner shall immediately report same, in memorandum form, to his or her immediate supervisor.
2. Members shall not associate socially with, or fraternize with the spouse or family member of any person in the custody of the Department without the express permission of the Sheriff-Coroner.
3. Except as necessary to carry out their assigned duties, Members shall not engage in familiarity with inmates or the families or friends of inmates. Members shall not discuss Departmental matters or private affairs concerning themselves or coworkers with inmates.
4. Members shall not trade or barter with, lend to or borrow from, or engage in any other personal transaction with any inmate. Members shall not, directly or indirectly, give to or accept from any inmate, or member of the family of any inmate, anything of value or a promise of same.
5. Members shall not accept from, or send to, any inmate any verbal or written message, reading matter, literature, or any item, article, or substance except as necessary in carrying out the Member's assigned duties.

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1018.44 COURT CASES

Members shall not interfere in any way with the normal judicial procedure.

1018.45 COURT ATTENDANCE AND DEMEANOR

1. Members, when subpoenaed into court to testify, shall be punctual in attendance.
2. All members, except professional staff, responding to court directly from their work location during a scheduled work day or from an off duty status shall wear their Department approved Class "A" short or long sleeve uniform and equipment, Class "B" (BDU alternative uniform) and equipment or business attire. Polo shirts may not be worn.
3. Business attire shall include the following:
    (a) Male Department Members shall wear a suit and tie or slacks with a sport coat and tie.
    (b) Female Department Members shall wear a pantsuit/blouse with jacket, a skirt/blouse or a dress.
4. Motor personnel may wear their assigned alternative uniform.
5. Specialty units such as gangs or narcotics, where it is common for Members to grow beards and/or long hair, are exempt from the grooming standards as defined in Policy 1044 but shall trim and groom their hair and their facial hair as to portray a professional appearance.
6. All Members who are professional staff responding directly from their work location during a scheduled work day or from an off duty status shall wear business attire.
7. Members placed on call for court will be prepared to respond to that court at the specified time or within the established time limits and in appropriate attire.
8. Members shall testify in a calm, distinct and audible tone of voice. Members shall not suppress or overstate the slightest circumstance with a view of favoring or discrediting any person, but shall testify with the strictest accuracy.
9. Members shall not, by their actions or demeanor, make apparent their feelings toward any defendant or witness during the proceedings within the courtroom or within the hearing of the participants.
10. Members who are off work due to an industrial or non-industrial injury or illness are not expected to participate in courtroom testimony. If medically able, a Member may testify while off work with written permission from their health care provider.

1018.46 NEIGHBORHOOD DISPUTES

Members shall attempt to avoid becoming involved, either as an officer or as a participant, in neighborhood disputes, except in the line of duty.

1018.47 CONTROVERSIAL OPINIONS

Members shall not involve the Department in any manner in their expressions of views on any political, religious or controversial subject.

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1018.48 UNAUTHORIZED KEYS

1. Members shall not have possession or control of any Department key not specifically issued to that Member.
2. Members shall not, unless authorized by the Sheriff-Coroner, possess keys to any private, commercial premise, not their own, or public building or facility in or near their duty area.

1018.49 HOURS OF DUTY

1. Members of the Department shall be assigned regular hours. When off duty, all commissioned personnel and certain professional staff may be subject to call out. If needed, Members may be required to work additional hours.
2. Members shall not change the dates or times of their assigned duty, nor make any exchanges of duty with other Members without prior approval of the appropriate superior.

1018.50 LOITERING IN DEPARTMENT AREAS

Members off duty and not on official standby shall not loiter in Department areas, other than those normally designated for use as recreation or rest areas.

1018.51 CONDUCTING BUSINESS IN DEPARTMENT AREAS

Members shall not conduct any commercial ventures for profit in Department work sites unless authorized by the Sheriff-Coroner.

1018.52 USE OF THE BADGE, I.D. CARD AND UNIFORM BY NON COMMISSIONED PERSONNEL

1. Professional staff, who have been issued a badge, I.D. card and/or uniform, shall not, under any circumstances, display same except at or during their work assignment.
2. Badges, I.D. cards or uniform items shall not be used for any purpose other than official Department business.
3. Professional staff shall not carry their badge while off duty or to or from work. Badges are to be left at work assignments. Exceptions shall be forensic personnel subject to call out and special circumstances requiring written approval of a Commander.

1018.53 AUTHORIZED TELEPHONE USAGE

Members of the Department, whether on duty or off duty, shall not make or receive telephone calls, using county telephone equipment or services, for purposes other than official Department business or family emergencies. Any identified misuse of the telephone may result in discipline and/or reimbursement to the Department for the cost of the calls.

1018.54 MEMBER'S DUTY TO REPORT MISCONDUCT

The reporting of misconduct and prevention of the escalation of misconduct are areas that demand a Member to exercise courage, integrity, and decisiveness. This policy requires that when a Member, at any level, becomes aware of possible misconduct by another Member of this

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Department, the Member shall immediately report the incident to a supervisor or directly to the Internal Affairs Bureau. This requirement applies to all Members, including supervisory personnel and managers who learn of possible misconduct through the review of a Member's work, except as described in Policy 1033.5. Generally, the supervisor accepting the complaint shall initiate the complaint process.

Furthermore, a Member who observes serious misconduct shall take appropriate action to cause the misconduct to immediately cease. The fact that a supervisor is present and not taking appropriate action to stop the misconduct does not relieve other Members present from this obligation.

1018.55 PROHIBITED ACTS OR OMISSIONS

The following acts or omissions by Members are prohibited:

1. Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
2. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.
3. Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
4. Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
5. Unauthorized possession of, loss of, or damage to Department property or the property of others or endangering it through unreasonable carelessness or maliciousness.
6. Failure of any Member to promptly and fully report activities on their own part or the part of any other Member where such activities may result in criminal prosecution or discipline under this policy.
7. Failure of any Member to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
8. Using or disclosing one's status as a Member with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-Department business or activity.
9. The use of any information, photograph video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the expressed authorization of the Sheriff or his/her designee may result in criminal prosecution and/or discipline under this policy (Penal Code § 146g).
10. Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Sheriff.
11. Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.

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12. Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.
13. Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
14. Unsatisfactory work performance including but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
15. Concealing, attempting to conceal, removing or destroying defective or incompetent work.
16. 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.
17. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any Member thereof.
18. Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
19. The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document.
20. Wrongfully loaning, selling, giving away or appropriating any Department property for the personal use of the Member or any unauthorized person(s).
21. The unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose.
22. 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).
23. Any knowing or negligent violation of the provisions of the Department manual, operating procedures or other written directive of an authorized supervisor. Members shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the Members.
24. Work-related dishonesty, including attempted or actual theft of Department property, services or the property of others, or the unauthorized removal or possession of Department property or the property of another person.
25. Criminal, dishonest, infamous or disgraceful conduct adversely affecting the Member/Department relationship, whether on or off duty.
26. Failure to disclose or misrepresenting material facts, or the making of 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.

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27. Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.
28. Substantiated, active, continuing association with or membership in organized crime and/or criminal syndicates with knowledge thereof, except as specifically directed and authorized by the Department.
29. Participation in a law enforcement gang is prohibited and is grounds for termination. "Law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group (Penal Code § 13670).
30. Misappropriation or misuse of public funds.
31. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
32. Unlawful gambling or unlawful betting on Department premises or at any work site.
33. Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the Member has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
34. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department property or while in any way representing him/herself as a Member of this Department.
35. Engaging in political activities during assigned working hours.
36. Violating any misdemeanor or felony statute.
37. Any other on-duty or off-duty conduct which any Member knows or reasonably should know is unbecoming a Member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its Members.
38. Any failure or refusal of a Member to properly perform the function and duties of an assigned position.
39. Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).

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40. 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.

1018.56 EXPLORER ADVISOR CONDUCT

The purpose of this section is to set policy for advisors. The Department utilizes advisors to mentor, and supervise explorers during various county, city and competition functions.

1. Fraternization between an advisor and explorer on or off duty, even if the explorer is an adult, is prohibited.
2. If an explorer makes inappropriate advances or suggestive comments to an advisor, the advisor must notify the explorer coordinator or explorer director immediately.
3. If an explorer makes an allegation of misconduct against any Member of the Department, the Member receiving the allegation must immediately notify the appropriate chain of command per Department policy.
4. Advisors should avoid being alone with an explorer of the opposite sex.
5. Advisors should avoid one on one contact with explorers. This includes counseling, performance reviews, and conversations. Every effort should be made to have another advisor or ranked explorer present.
6. Advisors should not engage in "social media" with an explorer, other than Department business. Personal texting, photographs, audio, video recordings, or all other personal communication is prohibited. Exceptions would be if an explorer is reaching out to an advisor about personal issues that affects the explorers or someone else's well-being. These types of issues must be dealt with in a professional manner and must be reported to the appropriate chain of command.
7. On overnight events, such as explorer academies, competitions or any other overnight activity, advisors shall never be alone in a housing/sleeping area with an explorer. If an advisor needs to contact an explorer in a housing/sleeping area for any reason the advisor must have another advisor with them preferably one of the same sex as the explorer. If another advisor is not available the advisor must have a ranking explorer with them preferably one of the same sex as the explorer. The only exception would be if a life-threatening emergency exists.
8. Advisors shall avoid one-on-one transportation of an explorer of the opposite sex. If a situation arises where an explorer of the opposite sex needs a ride to or from any explorer related activity (ride home, ride to work, etc.) the advisor must make all attempts to have another advisor or an explorer with them. If an advisor or explorer cannot be found, the advisor must follow Department policy on transportation of the opposite sex (call dispatch, record time and mileage). Only exception is at explorer related functions and ride-a-longs.
9. Advisors must wait until all explorers depart from the event venue or Department site prior to leaving the location.

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Seat Belt Procedure

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy shall apply to all Members operating or riding in Department vehicles (Vehicle Code § 27315.5).

1022.1.1 DATE POLICY APPROVED OR REVISED

Effective: June 17,2010

1022.2 WEARING OF SAFETY RESTRAINTS

All Members shall wear properly adjusted safety restraints when operating or riding in Department-owned, leased or rented vehicles and while operating or riding in privately owned vehicles while on duty. The driver is responsible for ensuring all occupants, including non-Members, are in compliance with this policy.

It is the intent of this policy that all Members wear seat belts whenever possible. However, sworn deputies may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seat belt would hinder rather than increase safety.

1022.2.1 TRANSPORTING CHILDREN

An approved child safety restraint system should be used for all children of age, size or weight for which such restraints are required by law (Vehicle Code § 27360). In the event that an appropriate approved child safety restraint system is not available, the child may be transported by sworn personnel and should be restrained in a seat belt (Vehicle Code 27363(b)).

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, children and the child restraint system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets 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 passenger side air bag should be deactivated. In the event this is not possible, officers should consider arranging alternative transportation.

1022.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

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1022.4 INOPERABLE SEAT BELTS

No person shall operate a Department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for 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.

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Rules of Conduct - Commissioned Personnel

1019.1 USE OF THE BADGE, I. D. CARD AND UNIFORM

The badge, I.D. card, or uniform items shall not be used for any purpose other than official Department business.

1019.2 LOITERING

Sworn Members on duty shall not loiter in any public place except in the line of duty.

1019.3 PHYSICAL FITNESS

Sworn Members shall maintain such physical condition as to enable them to properly perform assigned duties.

1019.4 ARREST RESPONSIBILITY

Arresting deputies, or special officers having custody, shall be responsible for the safety, control, and protection of the person and property of arrested persons until such time as the person and property are properly relinquished to another.

1019.5 PHYSICAL RESTRAINT

1. Only those physical restraints that are justified by each particular instance, shall be used on any person in custody.
2. The factors to be considered are: age, sex, physical condition and mental state of the prisoner; known or suspected history of escape or violence; reputation in the community; the nature of the charge and the circumstances under which custody is to be maintained.

1019.6 RECOMMENDING ATTORNEYS AND BAIL BONDSMEN

Members shall not recommend, suggest, advise or otherwise counsel the retention of any specific attorney or bail bondsman to any person coming to their attention in an official capacity.

1019.7 PUBLICITY

Deputies shall not seek unauthorized personal publicity in their official capacity.

1019.8 COWARDICE

Deputies shall not display cowardice or fail to render assistance to other officers in the performance of his/her duties and responsibilities.

1019.9 SEARCH OF PRISONERS

Deputies shall insure that there are no weapons in the possession of any prisoner in their custody.

1019.10 TRANSPORTING MEMBERS OF THE OPPOSITE SEX

Deputies who transport prisoners of the opposite sex when no other passenger of the same sex as the prisoner is present in the same vehicle, must communicate the location, time, and mileage to the Sheriff's Radio Dispatcher. Deputies transporting out of county or to/from local

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courts and medical facilities may elect to report this information to the Transportation Desk Clerk for documentation.

1019.11 TAMPERING WITH EVIDENCE

Members shall not fabricate, withhold, alter, or destroy evidence of any kind.

1019.12 MEAL AND BREAK PERIODS

1. Members shall be restricted from congregating in excess of two (2) uniformed Sheriff's personnel at any location. This policy applies to all uniformed Sheriff's personnel taking their meal or break periods in any place viewable by the public.
2. Exceptions to this policy would be with the expressed permission of the Member's supervisor.
3. For purposes of this policy, a supervisor meeting with his/her subordinates does not count towards the two person restriction.

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Personnel Complaint Procedure

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Department to professionally and thoroughly give the appropriate supervisory attention to public feedback received regarding Departmental service or individual performance. This policy explains the required actions for the collection, processing and preservation of complaints to ensure the proper attention is given to the incident.

1020.1.1 PERSONNEL COMPLAINTS

Public complaints shall be used to help shape programs, priorities, training, and discipline in order to provide the best law enforcement service to the community.

Complaints shall be classified into one of the following categories:

Servicecomplaint: Any allegation of dissatisfaction with Department service, procedure or practice, not involving a personnel complaint, i.e. response time, vehicle operation while responding code-3, waiting too long to visit an inmate.

Personnel complaint: Any allegation of misconduct or improper job performance against any Department Member that, if true, would constitute a violation of Department policy, federal, state, or local law, i.e. rudeness, profanity, excessive force, criminal act. All investigations of personnel complaints shall be considered confidential.

1020.2 DOCUMENTING COMPLAINTS

All Members not holding a managerial or supervisory title/rank or not currently assigned to the Internal Affairs Bureau shall refer all complaints to a manager/supervisor even though it may appear to be minor in nature or easily and informally handled without involving a supervisor for proper documentation.

Managers and/or supervisors shall document all complaints, with the exception of inmate grievances, in the Commendation/Complaint Reporting System (CCRS) and submit the completed report to their Commander via the chain of command for appropriate action.

Sergeants assigned to the Internal Affairs Bureau may document all complaints, with the exception of inmate grievances, in the Commendation/Complaint Reporting System (CCRS) or forward the complaint to the relevant division, or consult with the appropriate Commander or Assistant Sheriff for necessary action.

1020.2.1 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).

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1020.2.2 AVAILABILITY OF PERSONNEL COMPLAINT FORMS AND PUBLIC COMMENT NOTICE FORMS

The Personnel Complaint Form and Public Comment Notice Form are available on the Sheriff's website to document complaints or commendations of Department Members if members of the public choose not to convey their complaint or commendation in person.

1020.2.3 ACCEPTANCE OF COMPLAINTS

1. Any Member receiving a citizen complaint regarding an allegation of misconduct or improper job performance against any Department Member shall:
    (a) Immediately notify a supervisor or refer the complainant to a supervisor.
    (b) Refer the complainant directly to the Internal Affairs Bureau if:
        1. The complainant refuses to speak with any other Department representative.
        2. The complainant wants to speak directly to Internal Affairs Bureau.
        3. The allegations appear criminal or serious in nature.
        4. All attempts have failed to resolve the complaint.
    (c) Any written report documenting complaints of misconduct shall be in the form of an intra-Department memo and shall include steps taken to resolve the complaint.
2. All Department managers, supervisors, and sergeants assigned to the S.A.F.E. Division, Internal Affairs Bureau shall accept complaints in person, by mail, online or by telephone. When a complaint is received, it shall be forwarded to the involved Member's Commander for appropriate action unless the Internal Affairs Bureau determines it would be more appropriate to retain the complaint or forward it to Criminal Investigations via the Executive Command. In these instances, the involved Member's Commander shall be notified and consulted.

Exception:

When an uninvolved supervisor or the Department Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of Department policy or procedure, a complaint need not be taken.

1020.2.4 COMPLAINT DOCUMENTATION

Complaints of alleged misconduct shall be documented by a manager and/or supervisor by creating a new "Initial Report" on the Sheriff's Intranet. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

The complainant should be provided with a copy of the complaint per Penal Code § 832.7(b). Once an Initial Report has been created by a supervisor, the system will generate an email which contains an auto-populated "Complainant Notification" form. This form should be printed and mailed to the complainant. The form may be emailed to the complainant in lieu of regular mail.

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After the Initial Report has been reviewed by the Commander, the system will generate an email to the Member's supervisor which contains an "Employee Notification" form. This shall be printed and reviewed by the Member. After review, the form will be signed by both the Member and his or her supervisor. Once signed, the form will be scanned and attached to the Initial Report case. The system will automatically transfer the Initial Report to the Commendation/Complaint Reporting System (CCRS). The original signed form shall be placed in the Member's division performance file.

For assistance with form documentation, contact the S.A.F.E. Division (714) 834-3429.

1020.3 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned Member of the Internal Affairs Unit, the following procedures shall be followed with regard to the accused Member(s):

1. Interviews of accused Members shall be conducted during reasonable hours and, if the Member is off duty, the Member shall be compensated (Government Code § 3303(a)).
2. No more than two interviewers may ask questions of an accused Member (Government Code § 3303(b)).
3. Prior to any interview, a Member shall be informed of the nature of the investigation (Government Code § 3303(c)).
4. All interviews shall be for a reasonable period and the Member's personal needs shall be accommodated (Government Code § 3303(d)).
5. No Member shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any Member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).
6. Absent circumstances preventing it, 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 (Government Code § 3303(g)).
7. If the allegations involve potential criminal conduct, the Member shall be advised of his/her Constitutional rights pursuant to Lybarger. This admonishment shall be given administratively whether or not the Member was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).
8. All Members subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual Member's statement, involved Members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
9. Department Members will not be subject to discipline solely for actions determined to be a lawful exercise of their constitutional rights. Department Members will not be

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subject to questioning, a personnel investigation or discipline for invocation of their Fifth Amendment right.

1020.3 COMPLAINT OF MEMBERSHIP IN HATE GROUP, PARTICIPATION IN HATE ACTIVITY, OR PUBLIC EXPRESSION OF HATE

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged, with sufficient particularity to investigate the matter, that a sworn Member 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).

1020.3.1 DEFINITIONS (PENAL CODE § 13680)

1. "Hate group" means an organization that supports, advocates for, threatens, or practices genocide or the commission of hate crimes.
2. "Membership in a hate group" means being, or holding oneself out as, a member of a hate group with the intent to further the unlawful aims of the group.
3. "Participation in any hate group activity" means active and direct involvement in, or coordination or facilitation of, any hate crime by hate group members.
4. "Public expression of hate" means any statement or expression to another person, including any statement or expression made in an online forum that is accessible to another person, that explicitly advocates for, explicitly supports, or explicitly threatens to commit genocide or any hate crime or that explicitly advocates for or explicitly supports any hate group.

1020.5 RETENTION OF COMPLAINT REPORTS

The Professional Services Command shall maintain the Complaint Report Forms and all supporting documentation for five (5) years from the date of the complaint.

1020.5.1 CONTENTS OF PERSONNEL FILE

Contents of a Member's personnel file shall be retained in accordance to the Member's respective Memorandum of Understanding or applicable laws.

1020.6 REQUIRED REPORTING TO POST

The Sheriff, or 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.

  (a) 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 and 11 CCR 1003.

(b) Events that could affect a sworn Member's POST certification, such as:

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(a) Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).

(b) Findings of civilian review boards.

(c) Final dispositions of any investigations.

(d) Civil judgments or court findings based on conduct, or settlement of a civil claim against a sworn Member or the Orange County Sheriff-Coroner Department based on allegations of conduct by a deputy.

The Sheriff, or 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) within the applicable timeframe provided in Penal Code § 13510.9.

Upon completion of the investigation, the Sheriff, or authorized designee, shall submit to POST the final disposition of the investigation as well as investigation materials and the sworn Member's service record as provided by 11 CCR 1207. The submission shall include:

1. The complete investigative file with all attachments.
    (a) Video and audio evidence should only be submitted when requested by POST.
2. Recommended and/or imposed disciplinary action, if applicable.
3. Skelly hearing report, if applicable.
4. Records of any administrative appeal, if applicable.

1020.6.1 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT
Additional notification shall be made to POST (11 CCR 1207):

1. If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
    (a) The Department shall provide the name of the body conducting the proceeding.
    (b) The status of the proceeding, if known.
2. If criminal charges are pending:
    (a) The name of the court having jurisdiction over the criminal charges against the deputy.
    (b) The status of the criminal case, if known.

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Body Armor

1024.1 PURPOSE AND SCOPE

1. All uniformed Deputy Sheriffs, Deputy Coroners Sheriff's Special Officers, Community Services Officers, and Reserve Deputy Sheriffs working in Patrol Operations Command and Investigations & Special Operations Command, shall wear a Department-issued body armor or their own Department-approved body armor at all times while on duty unless specifically exempt by their Commander. See 1024.3 for external body armor exception.
2. All uniformed Deputy Sheriffs, Sheriff's Special Officers, Sheriff's Technicians and Reserve Deputy Sheriffs working in Custody Operations Command and Court Operations Division shall wear Department-issued body armor or their own Department-approved body armor at all times when on duty outside or away from Department facilities or compounds or when working armed positions outside jail security areas. Law Enforcement Managers are exempt from this provision.
3. All non-uniformed safety personnel shall wear Department-issued body armor on duty whenever they are involved in a planned activity, including but not limited to:
    (a) Service of warrants
    (b) Arrest, entry, and containment teams
    (c) Whenever directed to by a supervisor
4. EXCEPTION: In cases where personnel are working in an undercover capacity and the discovery of such body armor could compromise the safety of the officer, wearing of body armor shall be left at the discretion of the undercover officer and their supervisor.
    (a) In the event a Member is temporarily unable to wear body armor because of a pregnancy, injury, illness or medical condition, the Department shall attempt to reasonably accommodate the needs of the Member.

1024.2 ISSUANCE AND REPLACEMENT

The Member's body armor shall be issued through Quartermaster and replaced every three to five years depending on the rated life of the vest.

1024.3 EXTERNAL BODY ARMOR CARRIERS

The use of an external body armor carrier is not mandatory. The purpose of this uniform item is to provide Department Members with an alternative method to carry standardized equipment in a safe, efficient, and comfortable manner. Members may choose to wear their body armor in the traditional method by concealing the armor beneath their uniform shirt or they may choose to utilize the external carrier. A Member may remove an external body armor carrier under the following circumstance: 1) in a secured environment, 2) outside of public view, and 3) where no expectation of enforcement action or public interaction is likely.

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1024.4 REQUESTING THE EXTERNAL CARRIER

Members must submit a Uniform Request to Quartermaster requesting an external body armor carrier. External carriers shall only be issued for use with Department-issued or approved body armor.

1. On the Uniform Request, the Member must identify which brand/manufacturer of body armor they have. The Department currently issues body armor manufactured by **U.S. Armor** and **ABA/Safariland**. To verify the manufacturer of your body armor, refer to the label attached to the ballistic panel or contact the Armory for further assistance.
2. Once a Purchase Order has been issued, the Purchase Order and body armor shall be taken to the Uniform Center for sizing purposes. The Uniform Center will not accept Purchase Orders for external carriers without being able to examine the existing body armor panels. This is a critical requirement to insure proper sizing of the external carrier.
3. When to request an external carrier:
   (a) Members may request an initial external carrier at any time.
   (b) Replacement external carriers may be ordered every five years.
   (c) Replacement external carriers may also be ordered when new body armor panels are issued that are a different size or a different manufacturer than their original carrier.
   (d) Replacement external carriers may also be ordered when the carrier becomes unserviceable. Conditions that may make the carrier unserviceable include but are not limited to excessive wear, damage, rips, stains, etc.

1024.5 WEARING THE EXTERNAL CARRIER

External carriers are authorized for wear with Class **"C"** Uniform **only**. Law Enforcement managers are exempt from this provision.

1. External carriers are **NOT** authorized for wear with the Class **"A"** or **"B"** Uniform.
2. External carriers are **NOT** authorized for wear with the Uniform Polo Shirt.
   (a) Harbor Patrol Bureau, investigative units, and specialty units are exempt from this requirement.
3. External carriers shall be issued in the following colors:
   (a) Deputy Sheriff and Reserve Deputy Sheriff - **RANGER GREEN**.
   (b) Sheriff's Special Officer and Community Services Officer - **TAN**.
   (c) Deputy Coroner - **BLACK**.

1024.6 UNIFORM PATCHES AND INSIGNIA

The following Departmental patches and insignia listed below, depending on the member's job classification, shall be attached to the external carrier at all times and in the following manner:

1. Name tape (Velcro) (CPC 830.1)

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(a) Location - Right Velcro chest flap.

(b) Color

1. Deputy Sheriff and Reserve Deputy Sheriff - Green patch, black lettering
2. Sheriff's Special Officer and Community Services Officer - Tan patch, green lettering
3. Deputy Coroner - Black patch, gold lettering

2. Sheriff's Star Patch (Velcro)

(a) Location - Left Velcro chest flap

(b) Color

1. Deputy Sheriff and Reserve Deputy Sheriff - Gold star patch
2. Sheriff's Special Officer and Community Services Officer - Gold star patch
3. Deputy Coroner - Gold star patch
4. The subdued Sheriff's Star Patch is authorized for investigative units and specialty units only

3. "SHERIFF" Back Patch (Velcro)

(a) Location - Velcro back patch

1. Deputy Sheriff and Reserve Deputy Sheriff - Green patch, gold lettering
2. Sheriff's Special Officer- Tan patch, green lettering
3. Deputy Coroner - Black patch, gold lettering

4. “TRAFFIC” Back Patch (Velcro)

(a) Location – Velcro Back Patch

1. Community Services Officer - Tan patch, green lettering

5. Patches representative of specialty pins authorized for wear under section 1046.25, for example, a subdued American flag patch, may be worn on the external body armor carrier. The patches shall be worn on the front of the carrier attached to the vest above the name tape.
6. Morale patches and insignia not mandated or expressly allowed per this section are prohibited from being worn on the external body armor carrier.
7. Modifications to the external body armor carriers inconsistent with the original manufacturer's specifications are not authorized.
8. Only Departmental-approved, and issued external body armor carriers are authorized for duty purposes. The use of any other external carrier system is not authorized.

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Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this Department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1026.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual deputy's name relating to:

1. Personal data, including marital status, family members, educational and employment history, or similar information.
2. Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal a Member's past, current or anticipated future medical conditions.
3. Election of Member benefits.
4. Member advancement, appraisal, or discipline.
5. Complaints, or investigations of complaints, concerning an event or transaction in which the deputy participated, or which the deputy perceived, and pertaining to the manner in which the deputy performed official duties.
6. Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department Personnel File: That file which is maintained in the Professional Standards Division as a permanent record of a sworn deputy's employment with this Department.

Internal Affairs Files: Those files that contain complaints of Member misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Employee Performance File: That file which is separately maintained by a Member's supervisor(s)/manager(s) within an assigned division for the purpose of completing timely performance evaluations. (Policy 1027-Employee Performance files)

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Penal Code § 832.7, Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws.

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1026.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of 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(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

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 will require assistance of approved and available legal counsel.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved deputy or written authorization of the Sheriff or his or her designee.

1026.6 MEMBER ACCESS TO OWN FILE

Any Member may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any Member seeking the removal of any item from his/her personnel file shall file a written request to the Sheriff through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the Member with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the Member's request and the Department's written response shall be retained with the contested item in the Member's personnel file.

Members may be restricted from accessing files containing any of the following information:

1. Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the Member of the intent to discipline.
2. Confidential portions of Internal Affairs files which have not been sustained against the Member.

1026.7 ADVERSE COMMENTS

Adverse comments may be retained in a Employee's Department Personnel file after the Member has had the opportunity to read and initial the comment (Government Code § 3305). If a Member refuses to initial or sign an adverse comment, that fact shall be noted on the document and witnessed by a second supervisor. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the Member's file.

Once a Member has had an opportunity to read and initial any adverse comment prior to entry into a file, the Member shall be given the opportunity to respond in writing to such adverse comment

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within 30 days. Any such Member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

1026.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 26202 and Government Code § 34090).

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Employee Performance Files

1027.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to Employee Performance files in accordance with established law.

1027.2 EMPLOYEE PERFORMANCE FILE DEFINED

The Employee Performance file is a mechanism to assist in positively affecting and evaluating Member performance. The file shall be used to document Member performance for possible inclusion in a Member's annual performance evaluation.

1027.3 EMPLOYEE PERFORMANCE FILE USAGE

The Supervisor completing the performance evaluation must only utilize information from the file relevant to the affected rating period. The Employee Performance file shall be forwarded from division to division as the Member is transferred.

1027.4 EMPLOYEE PERFORMANCE FILE CONTENTS

The Employee Performance file should contain, but is not limited to, the following:

Performance Notes - The Performance Note is to be used to document supervisory observations about Member performance during a given rating period.

1. The Performance Note has signature blocks to facilitate the requirements of Government Code § 3305.
2. A Member shall have 30 days to file a written response to any adverse Performance Note entry. Such written response shall be attached to the Performance Note to facilitate the requirements of Government Code § 3306.
3. The Performance Note has a Manager Review signature block to facilitate the requirement that adverse entries be reviewed by a manager.
4. The Performance Note is not to be used as a substitute for formal commendations or discipline when appropriate.

Non-Sworn Evaluation-PIP Goals - The Non-Sworn Evaluation-PIP Goals form is to be used by the Member and supervisor to jointly document performance goals for inclusion in the Member's annual performance evaluation.

Other Materials - Other materials intended to serve as a foundation for the completion of timely Performance Evaluations. Duplicate copies of items that will also be included in the Member's Department Personnel file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

1027.5 PURGING OF EMPLOYEE PERFORMANCE FILES

The entire contents of the Employee Performance file, including any electronic versions of these materials, shall be purged after the Member's annual performance evaluation has been signed.

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In any event, the contents of this file shall be purged no later than a year after the last signed performance evaluation.

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Employee Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever a Member performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending Member performance and provides a means to preserve informal commendations received from the public that historically have not been memorialized. This policy explains the required actions for the collection, processing and preservation of such commendable acts to ensure appropriate recognition is bestowed upon the Member.

1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other Member of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating deputies may commend uniformed deputies for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any Member may recommend a commendation to the supervisor of the Member subject to commendation.

1030.2.1 COMMENDATION TYPES

Special recognition may be in order whenever a Department Member performs his/her duties in an exemplary manner. Commendations may include but are not limited to the following:

1. Citizen feedback
2. Division commendation
3. Sheriff/Department commendation
4. Civic group award (MADD, VFW, Red Cross, 10851)
5. Government awards
6. Gold Star Award
7. Medal of Valor

1030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by a Member of this Department may include, but is not limited to, the following:

1. Superior handling of a difficult situation
2. Any action or performance that is above and beyond the typical duties of a Department Member
3. A presentation or speech given to a group outside of regular duties. Providing specialized training to fellow law enforcement officers or government personnel
4. Significant testimony at a trial or hearing

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1030.3.1 SIGNIFICANT COMMENDABLE ACTIONS

Any major or momentous action by a Member that brings exceptional recognition to the Department or individual may include, but is not limited to, the following:

1. Conspicuous performance to a specific entity as recognized by that entity
2. Conspicuous bravery or outstanding performance by any Member

1030.3.2 REPORTING

Managers and/or Supervisors shall document all commendations by creating a new "Initial Report" on the Sheriff's Intranet. This will ensure all the necessary information is captured and preserved.

Once the "Initial Report" has been created by a supervisor, the system will generate an email which contains an auto-populated "Commendation Letter." This form should be printed and mailed to the reporting party. The letter may be emailed in lieu of regular mail.

After the Initial Report has been reviewed by the Commander, the system will generate an email to the Member's supervisor which contains an "Employee Notification" form. This will need to be printed and reviewed by the Member. After review, the form shall be signed by both the Member and supervisor. Once signed, the form shall be scanned and attached to the Initial Report. The system shall automatically transfer the Initial Report to the Commendation/Complaint Reporting System (CCRS). The original signed form shall be placed in the Member's Division performance file.

For assistance with form documentation, contact the S.A.F.E. Division (714) 834-3429

1030.3.3 PUBLIC COMMENT NOTICE

The Public Comment Notice Form shall be made readily available to the public in a visible location in lobbies of OCSD facilities. The public can use this form (also available on the Sheriff's website) to document commendable acts by Department Members if they choose not to convey their appreciation in person.

1030.3.4 RETENTION OF COMMENDATION REPORTS

The Professional Services Command shall maintain the Commendation/Complaint Report Forms and all supporting documentation in accordance with current applicable laws governing personnel files.

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The Gold Star Program

1031.1 PURPOSE AND SCOPE

The Gold Star Program was created to recognize outstanding Member contributions to the Orange County Sheriff's Department. Gold Star Member selection should be based on consistent commitment to law enforcement excellence. The ceremony will be held annually at the end of each fiscal year.

1031.2 QUALIFICATIONS

Selected Members should be those whose job-related actions consistently have a positive impact on their bureau/unit and a positive influence on their command as a whole. The selected Member should consistently perform at the highest level of excellence.

1031.3 SELECTION

Any Member can be nominated by their peers, supervisors, or managers. Nominations will be submitted via appropriate chain of command to each respective Division Commander. Division Commanders will subsequently review and submit all nominations to their respective Assistant Sheriff. Each Assistant Sheriff will then select one sworn and one professional staff employee (where applicable) as a Gold Star recipient.

1031.3.1 COMMANDS

Each command may select two recipients, for a total of twelve.

1. Administrative Services Command
    (a) Financial / Administrative Services
    (b) Research & Development Division
    (c) Technology Division
2. Custody Operations Command
    (a) Central Jails Division
    (b) IRC / Transportation
    (c) Inmate Services Division
    (d) Theo Lacy Facility
    (e) James A. Musick Facility
3. Patrol Operation Command
    (a) North Operations Division
    (b) Southeast Operations Division
    (c) Southwest Operations Division
    (d) Transit Operations Division
4. Investigations & Special Operations Command

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(a) Investigations Division
(b) Crime Lab Division
(c) Coroner Division
(d) Emergency Management Division
(e) Special Operations Division
(f) Operations Support & Intelligence Division

5. Professional Services Command
   (a) Professional Standard Division
   (b) S.A.F.E. Division
   (c) Training Division
   (d) Records Division
   (e) Court Operations Division

1031.4 AWARDS

Each selected Member shall receive the following:

1. An awards ceremony to include the Sheriff and Members from each command.
2. A letter recognizing the Member's contribution.
3. An engraved pen/pencil set, a freestanding plaque, and a lapel pin.

1031.5 PROGRAM MANAGEMENT

This program shall be managed by the Sheriff's Administration and any necessary notifications will be made via department memorandum.

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Fitness for Duty

1032.1 PURPOSE AND SCOPE

All sworn personnel of this Department 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 sworn personnel remain fit for duty and able to perform their job functions (Government Code § 1031).

1032.2 MEMBER RESPONSIBILITIES

1. It shall be the responsibility of each Member of this Department to safely and properly perform the essential duties of his/her position.
2. Each Member of this Department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
3. During working hours, all Members are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
4. Any Member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a Member believes that another Member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.
5. If a Member is prescribed medication that could impair any of their work-related responsibilities listed under Section 1032.2 (1) – (3) of this Policy, they shall immediately report this issue, including the effect of the medication to Department Human Resources and their supervisor. The Member need not disclose their underlying medical condition or what medication they are taking. If appropriate, the Member may request medical accommodations or request a leave of absence.

1032.3 SUPERVISOR RESPONSIBILITIES

1. A supervisor observing a Member, or receiving a report of a Member who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall make a written report of his/her observations and all information regarding the Member's inability to perform the essential duties of their position and take prompt and appropriate action in an effort to resolve the situation. Whenever feasible, the supervisor should make a preliminary evaluation in an effort to determine the level of inability of the Member to perform his/her duties.
2. In the event the Member appears to be in need of immediate medical or psychological treatment, all reasonable efforts should be made to provide such care.
3. In conjunction with the Watch Commander, Department Commander or Member's Commander, a determination should be made whether or not the Member should be temporarily relieved from his/her duties.
4. The Sheriff and the Professional Standards Division Commander, shall be promptly notified in the event that any Member is relieved from duty.

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1032.4 NON-WORK RELATED CONDITIONS

Any Member 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 any necessary rest.

1032.5 WORK RELATED CONDITIONS

Any Member 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, Department Commander or unit supervisor and concurrence of a Commander, any Member 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.

1. For the well-being of the Member, the leave may include sufficient time to ensure he or she has had the opportunity to receive any necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

1. Whenever circumstances reasonably indicate that a Member may be unfit for duty and may not be able to perform the essential functions of his or her position, the Sheriff may serve that Member with a written order to undergo a physical and/or psychological examination in cooperation with the Professional Standards Division to determine the level of the Member's fitness for duty.
2. If the Member places his/her condition at issue in any subsequent or related administrative action, grievance, or civil action, the examining physician or therapist may be required to disclose any and all information which is relevant to such a proceeding. (Civil Code § 56.10(c)(8)(A)). The examining physician or therapist will provide the Department with a report indicating that the Member is either fit for duty or, if not, listing any functional limitations which limit the Member's ability to perform job duties (Civil Code § 56.10 (c)(8)(B)).
3. In order to facilitate the examination of any Member, the Department shall provide all appropriate documents and available information to the examining physician or therapist to assist in the evaluation and/or treatment.
4. All reports and evaluations submitted by the treating physician or therapist shall be part of the Member's confidential file and kept separate from the Member's personnel file.
5. Any Member 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 or any failure to cooperate with the examining physician or therapist regarding any clinical interview, tests administered or other procedure may be deemed insubordination and shall be subject to discipline, up to and including termination.
6. Once a Member has been deemed fit for duty by the examining physician or therapist, the Member may be notified to resume his/her duties.

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Peer Support and Assistance Program

1033.1 PURPOSE AND SCOPE

The Orange County Sheriff-Coroner Department recognizes the value of providing an in-house resource for Members and their family members to support them in managing both professional and personal crises. The purpose of this directive is to establish policy related to a Peer Support Team for Department Members and their families.

The Peer Support Team (PST) may be utilized to support other county law enforcement agencies and to work in cooperation with the Orange County Association of Peer Supporters (OCAPS) in mitigating trauma in the aftermath of an incident that impacts law enforcement personnel and/or the community.

The PST has boundaries that must be acknowledged while providing support to personnel. Interactions with team members and Members shall not supplant a counseling session with a licensed mental health professional in response to a Member suffering the effects of a traumatic critical event. Team members shall not interfere with or influence the initial triage of a traumatic critical event as the Department renders the situation safe and determines a course of action.

1033.2 ROLE OF PROGRAM

The PST provides assistance, support, and resources to Members and direct family members during difficult times in their personal or professional lives. This program is designed to:

1. Provide emotional support during and after times of personal or professional crisis to other Members who need assistance;
2. Provide ongoing follow-up support;
3. Promote trust, allow anonymity, and preserve confidentiality for persons using peer support within the guidelines of the program;
4. Develop team members who can identify personal conflicts and provide guidance and/or referrals to an appropriate professional or to alternate resources as assessed or required;
5. Maintain an effective PST through ongoing training and regular scheduled team meetings;
6. Provide a mechanism of support and resources to Members on approved leave; and
7. Act as a liaison for retired Members requesting PST services.

1033.3 MISSION STATEMENT

The role of the Orange County Sheriff's Department Peer Support Team is to support and refer Members and family members to resources and assistance during difficult times in their professional and personal lives.

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1033.4 ACCESSING PEER SUPPORT

The PST is available 24 hours a day, 7 days a week to all Members. PST contact information can be found on the Department's Intranet Page via the PST link in the Employee Center.

1033.5 CONFIDENTIALITY

The acceptance and success of the Orange County Sheriff's Department PST will be determined greatly by the preservation of confidentiality. It is imperative each PST member maintain strict confidentiality of all information learned about an individual within the guidelines of this policy.

All PST Members will be required to read, understand, and abide by the terms of the Confidentiality Agreement. The PST Member (or other approved person(s) as described in §1033.6 shall submit the signed original Confidentiality Agreement form to the PST Program Administrator prior to becoming a team member. The PST Program Administrator shallretain the signed original Confidentiality Agreements. The PST Confidentiality Agreement form will be accessible in the Document Center on the OCSD Intranet.

Conversations between PST members and Members are not legally privileged communications. As a result, courts may compel disclosure of this information or it may otherwise be discovered in litigation. However, the Department shall maintain the confidentiality of communications between PST Members and Members receiving peer support services, with the following exceptions:

1. Information concerning the commission of a crime, or the intent to defraud or deceive an investigation into a critical incident;
2. There is a safety concern for the Member or others;
3. Disclosure has been compelled by a court of competent jurisdiction;
4. In a criminal proceeding;
5. Concerning information that an employee, intern, volunteer, applicant, or contract worker has been subjected to harassment, discrimination and/or retaliation if a supervisor or manager has received such information;
6. To allow a PST Member to consult with another PST Member, or to make an appropriate referral for a Member to receive services from a licensed mental health professional, in which case the mental health professional will maintain strict confidentiality;
7. If the Member agrees in writing that the confidential communication may be disclosed; or
8. When disclosure is otherwise required by law.

PST personnel are required to timely contact the Department's Peer Support Program Administrator who will then disclose to the Training Division Commander any information they receive that indicates there is a safety concern for a Member or others, as well as any information they receive concerning the commission of a crime, or the intent to defraud or deceive an investigation into a critical incident.

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**As required by the County's Equal Employment Opportunity and Anti-Harassment Policy and Procedure and Department Policy 328, any PST member who is a supervisor or manager and who receives information that a Member has been subjected to harassment, discrimination or retaliation will disclose that information to thePST Program Administrator or Training Division Commander.*

1033.6 COMMAND STRUCTURE

The PST is a function under the Command of the Training Division Commander. The leadership structure of the Peer Support Program shall be as follows:

1. **Program Administrator:** Peer Support Coordinator.
2. **Program Co-Coordinator(s):**Co-Coordinators are responsible for the coordination, statistics and operations of the PST. Co-Coordinators will work directly with the Program Administrator in charge.
3. **Peer Support Team Members:** PST members shall be selected from Department personnel (or other individuals as deemed appropriate and approved by the Program Co-Coordinator and Program Administrator) through a recruitment/nomination and interview process. Members shall attend a POST-certified Basic Peer Support Training Course. Team members shall be required to attend bimonthly meetings and uphold confidentiality as stated in Lexipol Policy 1033.5. Members of the PST may be removed from the team at the direction of the Program Administrator or Training Division Commander.
4. **Non-Active Department Members/Others:** All non-active Department Members (retired/separated/other) selected for the program by the Program Co-Coordinators and Program Administrator must be approved by the Department for appointment as Reserve Deputy Sheriff or Professional Services Responder (PSR) prior to being eligible to participate as PST Members.

1033.7 CRITICAL INCIDENTS

1033.7.1 POLICY

The PST is intended to be a resource available to the Department in the event of a critical incident or for personal crisis situations. PST outreach can occur for the following reasons:

1. All shootings (regardless of whether someone is injured or killed).
2. Where a Member witnesses another Member's death or serious injury.
3. Where a Member is taken hostage.
4. Where a Member is witness to a suicide.
5. Where a Member is witness to a violent death or serious injury.
6. Infant/child death.
7. Where a Member witnesses or responds to a mass shooting incident.
8. Any incident that is likely to affect the Member's ability to interact with the public or is a potential officer safety risk.

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9. Any other incident deemed appropriate by the Department Commander.
10. Referral from a supervisor.
11. Self-referral for help.

1033.7.2 POST INCIDENT PROCEDURES

1. The respective Commander or Director of the involved Division shall call one of the Department's Peer Support Co-Coordinators as soon as possible to assess the situation. The Peer Support Co-Coordinator shall initiate an operational response.
2. The Peer Support Co-Coordinator shall work with the supervisor of impacted Members so a Member of the PST can be contacted as soon as possible in order to schedule a one-on-one or group debriefing for all involved Members. When practical and operationally safe to do so, the on-scene supervisor shall serve as a resource for team members needing information about the incident so that appropriate PST resources are made available.
3. All involved Members are encouraged to attend a one-on-one or group debriefing provided by the Peer Support Co-Coordinator and PST members. Attendance or participation is considered voluntary.
4. The Department encourages family members of the involved personnel to take advantage of available mental health counseling services. It is recommended that family counseling be offered to Members as needed following a critical incident.

1033.8 TRAINING

During the basic certification course, PST members shall receive training on subjects that may include, but are not limited to, the following:

1. Precrisis education.
2. Critical incident stress defusings.
3. Critical incident stress debriefings.
4. On-scene support services.
5. One-on-one support services.
6. Consultation.
7. Referral services.
8. Confidentiality obligations.
9. The impact of toxic stress on health and well being.
10. Grief support
11. Substance abuse awareness and approaches.
12. Active listening skills.
13. Stress management.
14. Psychological first aid.

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Additional training available to Peer Support Team Members:

1. Basic Critical Incident Stress Management (CISM) Course.
2. Bimonthly PST meetings shall provide ongoing training on a number of subjects as it relates to the emotional wellbeing of Department Members.

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Member Wellness

1034.1 PURPOSE AND SCOPE

The Orange County Sheriff's Department is committed to supporting the mental and emotional wellness of its Members. This policy outlines the procedures for administrative leave and counseling referrals following traumatic incidents or periods of significant emotional distress, whether on or off duty.

The Department recognizes that critical incidents and personal hardships can impact a Member's well-being and operational readiness. The goal of this policy is to provide a consistent, compassionate response for the Member while preserving operational integrity and accountability to this Department.

1034.2 DEFINITIONS

Traumatic Critical Incident: Any incident, or series of incidents, involving the actions of Department Members in the performance of their duties, resulting in:

- Death
- Serious physical injury
- Exposure to life-threatening situations
- Severe emotional trauma that significantly impacts the Member(s)

Emotional Distress: A situation in which a Department Member is experiencing significant psychological strain or emotional hardship, and which may temporarily affect the Member's health, decision-making, or operational readiness. This may result from duty-related events or personal circumstances.

1034.3 ADMINISTRATIVE LEAVE DETERMINATION

Mandatory Administrative Leave – Lethal Force Use

Any Department Member who uses lethal force during a traumatic critical incident, including but not limited to an Officer-Involved Shooting (OIS), shall be required to take a minimum of three consecutive working days off (with pay). During that time, the Member shall attend a confidential counseling session with a Department-contracted certified counselor. Additional paid administrative leave (beyond the three working days) may be granted with Executive Command Staff approval.

Discretionary Administrative Leave – Other Circumstances

The Executive Command Staff has the discretion to mandate any Member to attend an on-duty counseling session with a Department-contracted certified counselor following a traumatic critical incident. Any Department Member may be required to attend an on-duty counseling session with a Department-contracted certified counselor following a traumatic critical incident when the Member:

- Is involved in a traumatic critical incident but does not use lethal force.

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- Is experiencing significant emotional distress (e.g., tragedy, cumulative stress, mental health crisis).

The amount of paid discretionary administrative leave granted will be determined on a case-by-case basis, and will include consideration of the severity of the traumatic critical incident and the level of emotional distress experienced by the Member.

Requests or recommendations to the Executive Command Staff for discretionary paid leave or an extension of mandatory administrative leave with pay may come from:

- Managers
- Supervisors
- Peer Support Team
- Department Contracted Certified Psychiatric Counselor
- The Member's Association Representative
- The Member themselves

1034.4 COUNSELING REQUIREMENT AND CONFIDENTIALITY

Department Members placed on administrative leave under this policy shall attend a counseling session with a Department-contracted certified counselor. The Professional Standards Division (PSD) - Employee Relations (ER) Unit shall contact the Department-contracted certified counselor to schedule the session.

1. The Professional Standards Division – Employee Relations Unit shall verify that counseling has been arranged and follow up to ensure the session was attended by the Member.
2. The counseling session results shall remain confidential and will not be documented or reviewed by the Department, in accordance with law and practice.
3. The Member shall notify the PSD-ER Unit or their immediate supervisor of any changes in their work status (e.g., off work, medical restrictions, or full duty) after their mandatory counseling session and prior to their next scheduled work shift.

1034.5 SUPERVISORY AND COMMAND RESPONSIBILITIES

- The Member's immediate supervisor shall notify their Division Commander as soon as practical after a qualifying event or request.
- The Division Commander shall:
  - Conduct an initial review of the situation
  - Consult with Executive Command Staff
  - Provide a recommendation regarding administrative leave and counseling referral
- The Executive Command Staff shall make the final determination regarding a Member's leave status and initiate any related administrative actions.

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Overtime

1038.1 PURPOSE AND SCOPE

The Orange County Sheriff-Coroner Department has a legal requirement to compensate non-management personnel for all overtime worked, in accordance with applicable laws and existing MOU. Overtime shall be equitably and fairly distributed based upon management analysis of workload requirements. While the Department recognizes the need for overtime to maintain public safety, it will strive for less costly alternatives. All Department Members have the duty to effectively and efficiently manage overtime. The following guidelines shall be used for overtime assignments.

1038.1.1 DATE POLICY APPROVED OR REVISED

Effective: 04-14-2011

1038.2 OVERTIME AUTHORIZATION

Overtime shall only be authorized when necessary to meet the operational, safety, or emergency needs of the Department.

1038.2.1 OVERTIME WORK PERIODS

No Member shall work more than 16 consecutive hours. If a Member works 12 or more consecutive hours, the Member cannot return to duty for at least 8 hours.

1. Exceptions; Unplanned shift extensions (i.e. late call, complete work assignment, court appearances) and emergency situations with the approval of the respective Assistant Sheriff or their designee.

1038.2.2 OVERTIME LIMITS

No Member shall exceed a total of 128 working hours in a pay period (i.e. 80 hours of regular pay + 48 hours of overtime pay) Utilization of leave hours (Admin Leave, Annual Leave, Comp Time, Vacation, Sick, etc.) shall not be included in the calculation of the 128 working hours.

1. Exceptions: Unplanned shift extensions (i.e. late call, complete work assignment, court appearances) and emergency situations with the approval of their respective Assistant Sheriff or their designee.

1038.2.3 OVERTIME APPROVAL

All overtime requests shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval must be obtained as soon as practical during the overtime shift and no later than the end of the shift in which the overtime was worked.

1038.2.4 OVERTIME OUTSIDE OF CLASSIFICATION

No Member shall be permitted to work overtime out of their classification without their respective Commander approval.

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1038.2.5 MEMBER RESPONSIBILITIES

1. It is the responsibility of every Member of the Department to maintain fiscal accountability. No Member shall knowingly work overtime that does not meet the Departmental mandate.
2. It shall be the responsibility of all Members to ensure they do not exceed 48 hours of overtime in any pay period. Exceptions: refer to Policy 1038.2.2.
3. Members shall record the overtime hours worked and the correct payroll coding on their respective timecard via the Virtual Timecard Interface (VTI). In the remarks column, the position worked or reason for the overtime should be noted. Members shall not perform Department duties outside of his/her scheduled work hours without reporting overtime worked on his/her timecard.
4. No work may be done outside of a Member's scheduled work hours unless approved in advance by his/her immediate supervisor. Court appearances and law enforcement/ public safety emergencies are exceptions. In these instances, the Member shall notify a supervisor as soon as the incident or situation allows the Member to do so, but in no event later than the end of the Member's work shift for that day.
5. Members shall take their breaks and meal periods during their work shift and are required to properly document this on their timecard. In the event that a Member is unable to take a meal break, they are required to report their inability to take a meal break to a supervisor before the end of their shift.
6. Members shall not work uncompensated overtime to prepare for briefing, check emails, check mailboxes, prepare patrol vehicles or any other duties before or after their scheduled work shift.
7. Under no circumstances may a Member who is eligible to receive overtime compensation maintain overtime hours in an informal manner that is inconsistent with established Department policies and procedures.

1038.2.6 SUPERVISOR RESPONSIBILITIES

1. It shall be the responsibility of all supervisors to ensure that any overtime meets a legitimate business need and is consistent with Departmental policy.
2. Supervisors shall give consideration to reasonable rest periods. The supervisor shall deny overtime to and/or relieve from on duty status any Member who has exceeded the listed guidelines. This includes any Member who appears fatigued to the extent that the Member's job performance could be affected or public safety impacted.
3. Supervisors shall monitor the use of overtime and its effects on Member health, fatigue and misuse (i.e. patterns that might indicate abuse of sick leave).
4. Supervisors shall be responsible to review, monitor, and verify all overtime worked by their subordinates. This shall include verifying the overtime was properly coded.
5. Supervisors shall not delegate their authority to review and approve watch lists, timecards or overtime justifications to non-supervisory personnel.

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6. It is the Supervisor's responsibility to distribute all overtime in a fair and equitable manner taking into consideration Departmental needs. Overtime shall be closely monitored as to not overburden any particular Member.
7. Supervisors shall not inhibit by action, statement, or other means any Member's legitimate submission of a report of lawfully approved and earned overtime. If a Member worked approved overtime they are required to promptly report the overtime.
8. All violations of the Department's overtime policy shall be documented and corrective measures or disciplinary action shall be taken.

1038.2.7 COMMANDER RESPONSIBILITIES

1. Commanders are responsible for the use of overtime in their Commands and should ensure:
   (a) Overtime is used to meet a business or operational need consistent with Department policy.
   (b) Projected monthly overtime expenses do not exceed the budgeted amounts. In the event it appears overtime expenses may exceed the budgeted amount the appropriate Assistant Sheriff shall be notified.
   (c) Accurate tracking and accountability of all overtime use.
   (d) Adherence to the agreements developed in the existing Memorandum of Understandings with various labor groups.
   (e) Maintenance of a safe, healthy, and secure working environment for Members, the public, and inmates.
   (f) Compliance with approved policies regarding assignment, scheduling, and overtime usage, including identification of excessive overtime use and accuracy of time reporting. All violations shall be promptly documented and investigated and appropriate action shall be taken.
2. Commanders shall develop and maintain command specific procedures regarding appropriate overtime utilization. These procedures shall be in accordance with all existing Memorandum of Understandings. These procedures shall identify specific instances when the use of overtime is appropriate and when it is not.

These procedures shall be reviewed by OCSD Executive Command staff before implementation. Once approved, Commanders shall introduce and review these site specific procedures with all Members in the Command.

1038.2.8 SHERIFF'S FINANCIAL/PAYROLL RESPONSIBILITIES

Sheriff's Financial/Payroll shall provide to each Commander a copy of the Budget Balance and Forecast Analysis report (provided monthly) and the Overtime Report (Provided Biweekly). The information provided in these reports shall be utilized in the management of each Command's budget.

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1038.3 SHERIFF EXPLORER ADVISORS OVERTIME AND SCHEDULING

Orange County Sheriff's Department Explorer Post 449 consists of approximately 230 explorers and 40 advisors. Advisors are Department Members who train and mentor the explorers at explorer meetings, events, competitions and other explorer functions. Advisors are deputies or other Department Members and they are assigned to nearly every division in the Department. The explorer program is a Department wide program and it benefits the entire Department and the community of Orange County.

Here are the guidelines for advisor overtime and scheduling for explorer events:

1. Overtime expended for the purpose of conducting regular explorer weekly meetings is paid by the division to which the advisor is assigned.
2. Overtime expended for the purpose of attending monthly advisor meetings is paid by the division to which the advisor is assigned.
3. Overtime expended in order that an advisor may attend an event within a contract city or contract partner (JWA, harbor, courts, OCTA), is paid by the contract City or contract partner if the request was made by that contract city or partner.
4. Overtime expended in order that an advisor may attend an event within an unincorporated area is paid by the division where the overtime is actually worked.
5. Overtime expended in order that an advisor may attend a "Department event" (Medal of Valor Luncheon, funeral, Peace Officer Memorial, Sheriff Academy graduations, etc.), is paid by the division to which the advisor is assigned.
6. Overtime expended in order that explorers may assist an outside agency (e.g. Strawberry Festival-GGPD, Placentia Heritage Day Parade-PPD, etc.), will be paid by the division to which the advisor is assigned.
7. Overtime expended in order that an advisor may attend an explorer academy or explorer competition, will be paid for by the division to which the advisor is assigned.

Divisions are encouraged to accommodate advisors with their scheduled explorer weekly meetings, events and other explorer functions. If the advisor cannot attend the event during their normal work schedule, then overtime should be expended.

Advisors must get their division's approval prior to working any event in which their division is to occur the expended overtime. Advisors should keep their divisions apprised of their explorer events and should always get approval from their respected division before working any explorer event, whether overtime is expended or not.

If an advisor is denied approval to work an event or function, the explorer coordinator (sergeant) shall list the name of the person denying the request on the Explorer Event Planning Form. The explorer coordinator shall notify the explorer director (captain) in all such cases so that it is ensured that all alternatives and options have been explored.

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Secondary Employment

1040.1 PURPOSE AND SCOPE

All Members who wish to engage in secondary employment must recognize their primary duty and obligation is to the Department. In order to avoid actual or perceived conflicts of interest for Departmental Members engaging in secondary employment, all Members shall obtain approval from the Department prior to engaging in any secondary employment. Approval of secondary employment shall be at the discretion of the Department in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Secondary Employment: Any act or instance in which any Member of this Department 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 secondary employment includes any act or instance in which Members are self-employed and the self-employed is not affiliated directly with this Department for services, product(s) or benefits rendered. This does not apply to union activities or elected officials.

Teaching assignments at the Sheriff's Training Division or authorized traffic school functions shall not be considered secondary employment for purposes of this section.

Contract services may be provided to public/private agencies at the direction and control of the Department. Approved contract services shall not be considered secondary employment.

Members seeking to engage in paid or unpaid Reserves for agencies other than the Department must submit a request for secondary employment in compliance with the provisions of Policy 1040.2.

1040.2 OBTAINING APPROVAL

No Member may engage in any secondary employment without first obtaining prior approval of the Department. Failure to obtain prior approval for secondary employment or engaging in secondary employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for secondary employment, the Member wishing to engage in any secondary employment shall submit a secondary employment request form (located in the My18 Document Center) to the Member's Commander/Senior Director. The form will then be sent to the Professional Standards Division Commander.

The Professional Standards Division Commander shall review the request to verify that the secondary employment does not violate this policy and does not present a conflict of interest as defined in this manual. The request shall be forwarded to the Assistant Sheriff of Professional Services for approval or denial.

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If approved, the Member shall be provided with a copy of the approved permit. Unless otherwise indicated on the approved permit, a permit shall be valid through the end of the calendar year, December 31st,in which the permit is approved. Any Member seeking to renew a permit shall submit a new form by January 1st of the following year.

Secondary employment may be denied when it appears that it will impair or interfere with the Member's ability to efficiently discharge his/her Departmental duties and responsibilities.

Any Member seeking approval of secondary employment, whose request has been denied, shall be provided with a reason for the denial of the application at the time of the denial Penal Code 70(e)(3).

1040.2.1 APPEAL OF DENIAL OF SECONDARY EMPLOYMENT

If a Member's secondary employment application is denied, the Member and his/her representative may meet with and/or file a written notice of appeal to the Assistant Sheriff of Professional Services within ten days of the date of denial.

1040.2.2 REVOCATION/SUSPENSION OF SECONDARY EMPLOYMENT PERMITS

Any secondary employment permit may be revoked or suspended under the following circumstances:

1. Should a Member'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 Professional Standards Division may, at their discretion, revoke any previously approved secondary employment permit(s). That revocation shall stand until the Member's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the secondary employment permit.
2. If at any time during the term of a valid secondary employment permit a Member's secondary employment conflicts with the provisions of Department policy, then the permit may be suspended or revoked.
3. When a Member is unable to perform at a full duty capacity due to an injury or other condition, any previously approved secondary employment permit may be subject to similar restrictions as those applicable to the Member's full time duties until the Member has returned to a full duty status.

If a Member's secondary employment permit is revoked or suspended, the Member and his/her representative may meet with and/or file a written notice of appeal to the Assistant Sheriff of Professional Services within ten days of the date of revocation or suspension.

1040.3 SECONDARY EMPLOYMENT - EXPERT WITNESS

1. Members shall not engage in secondary employment as a consultant in any criminal proceeding, or in civil suits against any entity.
2. Consultant secondary employment, other than above, must comply with off duty procedures set forth under Section 1040.4 of this manual.

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1040.4 PROHIBITED SECONDARY EMPLOYMENT

The following types of secondary employment shall not be approved since these activities may cause a conflict of interest due to the nature of the Member's employment:

1. Where the secondary employment involves the services of legal process.
2. Where the nature of the secondary employment, or the place where it is to be performed is such as to bring either the Department or the member into disrespect, or degrade the dignity of law enforcement.
3. Where the secondary employment will involve the member in violations of the Rules, Regulations or Procedures of the Department, or violations of any ordinance or statute.
4. Where the secondary employment would assist any individual in any criminal proceeding.
5. Where the secondary employment is in any way connected with work of a private investigative nature or for a private investigation agency, bail bond agency, private patrol agency or for the collection of debts.
6. Where the secondary employment is directly or indirectly connected with the towing or storage of vehicles, or the operation of ambulances.
7. Where the secondary employment would or might require or cause the member to use or disclose official police records, documents, or files.
8. Where the secondary employment is directly or indirectly connected with the operation of a tavern or the transportation, distribution, or sale of intoxicating beverages, except where such activity is allowed by law.

By law, county Members shall not be financially interested in any contract awarded by this county (Gov. Code 1090).

By law, Members of this Department shall not participate as bidders in any property sale conducted by this Department (Gov. Code 1090).

Consistent with the provisions of Government Code Section 1126, the Department expressly reserves the right to deny any Secondary Employment Request submitted by a Member seeking to engage in any activity which:

(a) Involves the Member's receipt or acceptance of any money or other consideration from anyone other than this Department for the performance of an act which the Member, 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 Member's duties as a Member of this Department.

(b) Involves the performance of an act in other than the Member'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 Member of this Department.

(c) Involves time demands that would render performance of the Member's duties for this Department less efficient.

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1040.4.1 SECONDARY SECURITY EMPLOYMENT
Consistent with the provisions of Penal Code Section 70, and because it would further create a potential conflict of interest, no Member of this Department may engage in any secondary employment as a private security guard, private investigator or other similar private security position.

1040.5 DEPARTMENT RESOURCES

Members are prohibited from using any Department time, equipment, facilities, supplies; or the badge, uniform, prestige, influence or any other Department resource in the course of or for the benefit of any secondary employment. This shall include the prohibition of access to official records or databases of this Department or other agencies through the use of the Member's position with this Department.

Employees engaged in approved secondary employment shall not solicit, accept, or receive County-funded tuition reimbursement or any department funds from any County employee when such funds would benefit the employee's secondary employment or outside business. This prohibition is intended to prevent actual or perceived conflicts of interest, misuse of public funds, and the appearance of impropriety.

Any exception to this provision must be approved in advance, in writing, by the Sheriff or the Sheriff's designee. Requests for exception shall be submitted through the chain of command and must clearly articulate the business justification and demonstrate that no actual or apparent conflict of interest or misuse of public funds will occur.

1040.6 CHANGES IN SECONDARY EMPLOYMENT STATUS

If a Member terminates his or her secondary employment during the period of a valid permit, the Member shall promptly submit notification of such termination to the Professional Standards Division. Any subsequent request for renewal or continued secondary employment must thereafter be processed and approved through normal procedures set forth in this policy.

Members shall also promptly submit to the Professional Standards Division any material changes in secondary employment including any change in the number of hours, type of duties, or demands of any approved secondary employment. Members who are uncertain whether a change in secondary employment is material are advised to report the change.

1040.7 SECONDARY EMPLOYMENT WHILE ON DISABILITY

The laws related to an employee's obligations while engaging in secondary employment and simultaneously being on light duty or disability are legally complex and accordingly, may be legally prohibited. Members should contact PSD or their workers compensation insurance provider if they have further questions.

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Grooming Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other Members of the Department, Members shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

1044.2 POLICY

Unless an exemption is made under Section 1044.9 of this policy, the following appearance standards shall apply to all Members.

1044.3 UNIFORMED LAW ENFORCEMENT MEMBERS

1044.3.1 HAIR AND JEWELRY

1. Male - Hairstyle and color should present a conservative, businesslike appearance. Hair shall be worn in a neat, clean, trimmed and well-groomed manner, and shall conform to the following standards:
   (a) Shall not cover any portion of the collar.
   (b) Shall not cover any part of the ears.
   (c) In no case shall the bulk or length of the hair interfere with the proper wear of any authorized headgear.
   (d) Regardless of style, when authorized headgear is worn, hair shall not be visible between the forehead and the headgear nor shall any hair curl above any part of the band.
2. Female - Hairstyle and color should present a conservative, businesslike appearance. Hair shall be worn in a neat, clean, trimmed and well-groomed manner, and shall conform to the following standards:
   (a) Shall not be worn below the bottom of the collar.
   (b) In no case shall the bulk or length of the hair interfere with the proper wear of any authorized headgear.
   (c) Hair worn forward shall not fall further than the top of the eyebrows and in no instances restrict the field of vision.
   (d) Decorations shall not be worn in the hair while in uniform except that hair clips or pins that match the hair may be worn.
3. Sideburns
   (a) Sideburns shall be neatly trimmed.
   (b) Sideburns shall not extend below the lowest part of the ear.
   (c) Sideburns shall not be flared beyond 1 1/2 inches in width and shall end with a clean shaven horizontal line.

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(d) Sideburns shall not connect with the mustache.

4. Mustache

(a) A neatly trimmed mustache may be worn.

(b) Hair in front may not extend below the upper limit of the top lip.

(c) It may extend 1/2 inch beyond the corner of the mouth and follow the natural curve of the upper limit of the top lip.

(d) The natural growth direction of the hair may not be altered by physical means (i.e., waxing of mustache to alter natural growth.)

5. Beard

(a) The face shall be clean-shaven other than the wearing of the acceptable mustache or sideburns, except when shaving is not prudent due to valid medical reasons.

6. Jewelry

(a) Rings - One ring may be worn on each hand, with the wedding set to be considered as one ring.

(b) Necklaces - May be worn, but not visible.

(c) Earrings - No jewelry may be worn in or on the ears except for no more than one pair of plain pierced ear studs worn by female Members on the ear lobe.

(d) Bracelets - No bracelets may be worn except those that provide necessary medical information or as may be authorized by the Sheriff-Coroner.

(e) Tie Bar - A plain gold tie bar, gold tie bar with small Sheriff's star replica, a County service tie tack pin, or a County service tie bar may be worn. Uniformed officers not assigned to wear a tie may wear the county service tie tack pin on their uniform shirt centered in the left half pocket flap of their right breast pocket.

(f) No jewelry may be worn which shall constitute a safety hazard.

(g) Any jewelry not specifically approved for wear is prohibited.

1044.4 NON-UNIFORMED LAW ENFORCEMENT MEMBERS

Standards for non-uniformed law enforcement Members may be modified on an individual basis by the Member's Commander, with the approval of the Sheriff-Coroner.

1044.4.1 CLOTHING

Clothing shall be in keeping with acceptable community standards, clean, and shall be tailored to present a neat, businesslike appearance. Non-uniformed Members in the classifications of:

1. Undersheriff
2. Assistant Sheriff/Executive Director
3. Commander/Director/Chief Deputy Coroner
4. Captain/Assistant Director/Assistant Chief Deputy Coroner

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5. Lieutenant/Manager
6. Sergeant/Supervisor/Supervising Deputy Coroner
7. Investigator
8. Deputy Sheriff II/Senior Deputy Coroner
9. Deputy Sheriff I/Deputy Coroner

Shall, when assigned to non-uniformed duty, meet the following standards:

1. Male - Clothing shall be clean and shall present a neat, businesslike appearance.
    (a) A suit or sport coat and slacks shall be worn. Coats may be removed while inside buildings, on Sheriff-Coroner's facility grounds, while driving a vehicle, or under unusual conditions.
    (b) A necktie is mandatory.
    (c) String ties or boleros are not acceptable.
    (d) A vest or sweater may be worn under the coat.
    (e) Shoes or boots shall be neat, clean, and properly maintained.
2. Female - Clothing shall be clean and shall present a neat, businesslike appearance.
    (a) A pantsuit with jacket, skirt with jacket, or dress shall be worn. Jackets may be removed while inside buildings, while driving a vehicle, on Sheriff-Coroner's facility grounds or under unusual conditions.
    (b) Shoes or boots shall be neat, clean, and properly maintained.
    (c) Hem length shall be no more than three inches above the center of the knee or three inches below the center of the knee.
    (d) Bras shall be worn.

1044.4.2 HAIR

1. Male - Hairstyle and color should present a conservative, businesslike appearance. Hair shall be worn in a neat, clean, trimmed and well-groomed manner, and shall conform to the following standards:
    (a) Hair may cover the top one-half of the ear.
    (b) May not cover any portion of the collar.
2. Female - Hairstyle and color should present a conservative, businesslike appearance. Hair shall be worn in a neat, clean, trimmed and well-groomed manner, and shall conform to the following standards:
    (a) Hair length shall not extend beyond the center of the shoulder blades.
    (b) Hair worn forward shall not fall further than the top of the eyebrows and in no instances restrict the field of vision.
3. Sideburns

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(a) Sideburns shall be neatly trimmed.

(b) Sideburns shall not extend below the lowest part of the ear.

(c) Sideburns shall not be flared beyond 1 1/2 inches in width and shall end with a clean shaven horizontal line.

(d) Sideburns shall not connect with the mustache.

4. Mustache

(a) A neatly trimmed mustache may be worn.

(b) Hair in front may not extend below the upper limit of the top lip.

(c) It may extend one half inch beyond the corner of the mouth and follow the natural curve of the upper limit of the top lip.

(d) The natural growth direction of the hair may not be altered by physical means. (i.e., waxing of mustache to alter natural growth).

5. Beard

(a) The face shall be clean-shaven other than the wearing of the acceptable mustache or sideburns, except when shaving is not prudent due to valid medical reasons.

1044.4.3 JEWELRY

1. Rings - One ring may be worn on each hand, with the wedding ring set to be considered one ring.
2. Necklaces may be worn, but not visible when worn by male Members.
3. Earrings - No jewelry may be worn in or on the ears of male Members.
4. Bracelets - No bracelets may be worn except those that provide necessary medical information or as authorized by the Sheriff-Coroner.
5. Pins and emblems may be allowed if they do not depict political or sexual connotations.
6. Tie bar - Only conservative, businesslike tie bars or tie tacks may be worn.
7. No jewelry may be worn which constitutes a safety hazard.
8. Any jewelry not specifically approved for wear is prohibited.

1044.5 UNIFORMED PROFESSIONAL MEMBERS

1044.5.1 CLOTHING

1. Uniformed professional staff designated by the Sheriff-Coroner shall wear the Class "C" or "D" uniform and equipment as described in Policy 1046.

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1044.5.2 HAIR

1. Male - Hairstyle and color should present a conservative, businesslike appearance. Hair shall be worn in a neat, clean, trimmed and well-groomed manner, and shall conform to the following standards:
   (a) Hair may cover the top one-half of the ear.
   (b) May not cover any portion of the collar.
2. Female- Hairstyle and color should present a conservative, businesslike appearance. Hair shall be worn in a neat, clean, trimmed and well-groomed manner, and shall conform to the following standards:
   (a) Hair length shall not extend beyond the center of the shoulder blades.
   (b) Hair worn forward shall not fall further than the top of the eyebrows and in no instances restrict the field of vision.
   (c) Decorations shall not be worn in the hair while in uniform except that hair clips or pins that match the color of the hair may be worn.
3. Sideburns
   (a) Sideburns shall be neatly trimmed.
   (b) Sideburns shall not extend below the lowest part of the ear.
   (c) Sideburns shall not be flared beyond 1 1/2 inches in width and shall end with a clean shaven horizontal line.
   (d) Sideburns shall not connect with the mustache.
4. Mustache
   (a) A neatly trimmed mustache may be worn.
   (b) Hair may not extend below the upper limit of the top lip.
   (c) It may extend one half inch beyond the corner of the mouth and follow the natural curve of the upper curve of the upper limit of the top lip.
5. Beard
   (a) The face shall be clean shaven other than the wearing of the acceptable mustache or sideburns, except when shaving is not prudent due to valid medical reasons.

1044.5.3 JEWELRY

1. Rings - One ring may be worn on each hand, with the wedding set to be considered one ring.
2. Necklaces - May be worn, but not visible.
3. Earrings - No jewelry may be worn in or on the ears of male Members.
4. Bracelets - No bracelets may be worn except those that provide necessary medical information or as authorized by the Sheriff-Coroner.

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5. Pins and Emblems - The wearing of any pin or insignia, such as fraternal organization, on the uniform is prohibited with the exception of a small replica of the American flag.
6. Tie Bar - Only modest, businesslike, tie bars or tie tacks may be worn.
7. No jewelry may be worn which shall constitute a safety hazard.

1044.6 NON-UNIFORMED PROFESSIONAL MEMBERS

Members shall be neat and clean in their person and attire. Attire shall be appropriate to a businesslike appearance.

1044.7 BODY ART

All Members are prohibited from displaying any body art, tattoo(s), intentional scarring, body modification, or dental ornamentation while on duty or representing the Department in any official capacity.

1. All visible tattoos, body art, brands, scarification shall be covered by approved uniform, appropriate civilian attire, a black fabric sleeve/leggings, or plain patch material similar to their skin tone.
2. Body art, tattoo(s), brand(s), intentional scarring, and/or body modification that cannot be covered or concealed is strictly prohibited. This includes, but is not limited to; foreign objects inserted under the skin, pierced, split or forked tongue, and/or stretched out holes in the earlobes (generally as a result of plug-type earrings).
3. All Members are prohibited from displaying any dental ornamentation. The use of gold, platinum, silver, or other veneer caps for the purposes of ornamentation are prohibited. Teeth, whether natural, capped, or veneered, shall not be ornamented with designs, jewels, initials, etc.
4. Permanent facial make-up, such as eyeliner or lipstick, is acceptable as long as those tattoos maintain a professional appearance using natural skin-tone colors.
5. This policy shall not apply to Members currently assigned to undercover assignments with prior approval of the Member's Commander.
6. To maintain uniform conformity, this policy shall not apply to Deputy Sheriff Trainee or Sheriff's Special Officer recruits while they are attending the Sheriff's Academy.

1044.8 BUSINESS CASUAL DRESS POLICY

Business casual dress is allowed for Members who are working on Fridays, and are not required to wear a uniform at their assigned work station. The casual attire must allow you to meet the business needs of your Division, complete your assigned duties, and represent the Department in a professional manner.

The casual attire may depend on your Division mission and assignment, and must be professional. Suggestions for "business" casual attire include: polo shirts and slacks, or other casual style clothes that are appropriate for the workplace. Jeans are acceptable as long as they are clean, plain, without tears, or holes, and are professional in appearance. Shoes must be appropriate and safe for the workplace.

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Commanders are responsible for enforcing casual wear standards, and may allow for business-related exceptions, to ensure a professional environment is maintained.

1044.9 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law shall be accommodated (Government Code § 12926(w), (x)).

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Lactation Break Policy

1045.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to Members desiring to express breast milk for the Member's infant child while at work.

1045.2 POLICY

It is the policy of the Department to provide, in compliance with the Fair Labor Standards Act and state law, reasonable break time, and appropriate facilities to accommodate any Member desiring to express breast milk for an infant child. A Member has a right to request a lactation accommodation in the workplace. This request should be done through the Member's immediate supervisor. If the supervisor determines the Department cannot meet the requirements listed within this policy, the supervisor shall in writing notify the Member. However, prior to doing so, supervisors shall in good faith with the Member attempt to identify reasonable accommodations. Members have the right to file a complaint with the State of California Labor Commissioner's Office for any violation of law governing lactation accommodation in the workplace.

1045.3 LACTATION BREAK TIME

A rest period should be permitted each time the Member has the need to express breast milk. 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. Such 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). The Member can either post earned accrued time, or at the supervisor’s discretion, the Member can make-up the time.

A Member shall not be required to make-up any lost time due to time spent expressing breast milk.

Members desiring to take a lactation break shall notify Emergency Communications Bureau 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.

1045.4 PRIVATE LOCATION

The Department shall 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 close proximity to the Member's work area and shall be other than a bathroom. The location shall comply with the following requirements pursuant to Labor Code § 1031:

1. Be safe, clean, and free of hazardous materials.

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2. Contain a surface to place a breast pump and personal items.
3. Contain a place to sit.
4. Have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump.
5. Access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace. If a refrigerator cannot be provided, an employer may provide another cooling device suitable for storing milk, such as an employer-provided cooler.

The location must be shielded from view and free from intrusion from co-workers and the public.

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. If the designated area is used for multiple purposes, the use of the area for lactation shall take precedence for the time it is being used for that purpose.

Authorized lactation breaks for Members assigned to Patrol Operations may be taken at the nearest appropriate private area.

1045.5 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.

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Uniform and Equipment

1046.1 EMPLOYMENT CLASSIFICATIONS

Orange County Sheriff's Department personnel are designated by employment classifications. These employment classifications include Sworn, Non-Sworn and Professional. Examples of each classification include but are not limited to the following:

Sworn:

(a) Coroner and Senior Coroner Investigator
(b) Deputy
(c) Investigator
(d) Sergeant
(e) Lieutenant
(f) Captain
(g) Commander
(h) Assistant Sheriff
(i) Undersheriff
(j) Sheriff

Non-Sworn:

(a) Crime Scene Investigator - Crime Lab
(b) Crime Prevention Specialist
(c) Correctional Farm Supervisor
(d) Correctional Services Technician
(e) Correctional Services Assistant
(f) Community Services Officer
(g) Communications Technician (Dispatch)
(h) Legal Property Technician
(i) Sheriff Special Officer
(j) Real Time Operations Center Analyst
(k) Radio Dispatcher
(l) Weapons Instructor

Professional:

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All Sheriff's department personnel not specified with the Sworn and Non-Sworn classifications fall within the Professional classification. These include a multitude of job classifications throughout the department. Some of these classifications include:

(a) Office Specialist

(b) Staff Specialist

(c) Administrative Manager

(d) Accounting Specialist

(e) Information Technician

(f) Communications Technician

(g) Institutional Cook

1046.1.1 UNIFORM CLASSIFICATIONS

Approved uniform attire worn by department members shall be in accordance with the appropriate uniform classification. These uniform classifications include:

1. Class A - Formal uniform for Sworn and specific Non-Sworn classifications.
2. Class B - Daily use uniform for Sworn and specific Non-Sworn classifications.
3. Class C - Daily Utility Uniform.
4. Class D - Daily use uniform utilizing polo style uniform shirt with utility trouser. Applicable to specific sworn and non-sworn classifications. Standard uniform for Professional classifications.
5. Class E - Daily use uniform for Institutional Cook classification.

1046.2 UNIFORMED ENFORCEMENT PERSONNEL

Uniformed enforcement personnel of the following Commands, which includes the deputy sheriff, including those of the Reserve Deputy classification, and Sheriff's Special Officers (SSO) classification shall, during their tour of duty, wear the prescribed Department Class "A," Class "B," or Class "C" uniform and equipment as described in this chapter:

(a) Patrol Operations Command

(b) Custody Operations Command

(c) Professional Services Command

(d) Investigation & Special Operations Command

A Member's Commander or their designee may authorize a specialty assignment uniform and/or Class "D" uniform.

1046.3 UNIFORMED NON ENFORCEMENT PERSONNEL

Non Enforcement Personnel, designated by the Sheriff-Coroner, wear the Class "D" uniform and equipment during their tour of duty. Some examples are:

(a) Store Keeper

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(b) Legal Property Technician

(c) Weapons Instructor

(d) Real Time Operations Center Analyst

(e) Radio Dispatcher

(f) Reserve PSR

(g) Coroner (uniforms also within the Class A, B and D category)

(h) Professional Staff (if authorized)

Non Enforcement Personnel, designated by the Sheriff-Coroner, shall wear the Class "E" uniform and equipment during their tour of duty. Some examples are:

(a) Supervising Institutional Cook

(b) Head Institutional Cook

(c) Institutional Cook

1046.4 TYPES OF UNIFORMS

The Class "A" uniform designates long sleeve apparel, forest green for deputies, tan for SSO and Coroner, with tie and tie bar and forest green trousers for deputies, CSOs, and SSOs and black trousers for Coroner.

"Formal Wear" for Correctional Service Technicians (CST), and Correctional Service Assistants (CSA) will include Utility long-sleeve shirt and trouser.

The Class "B" uniform designates long sleeve or short sleeve apparel, forest green for deputies, tan for SSO and Coroner with no tie. Trousers consist of forest green for deputies, CSOs and SSOs and black trousers for Coroner.

The Class "C" uniform designates alternative Daily Utility Uniform (UTILITY) in the following uniform colors:

- Deputies - Forest green shirt, forest green trouser
- Non-Sworn SSO - Tan shirt, forest green trouser
- Non-Sworn CSA, CST & CSO - Tan shirt, tan trouser
- Deputy Coroner - Black shirt, black trouser

The Class "D" uniform designates long or short sleeve polo style apparel with UTILITY trousers.

The Class "E" uniform designates short sleeves white button style shirt with black trousers.

1046.4.1 SERVICE STARS

Deputies, Reserve Deputies, and Sheriff's Special Officers, Correctional Service Assistants, Community Service Officers, and Correctional Services Technicians will wear one star for each five years of service on the left sleeve of the Class A, Class B or Formal long sleeve shirt. Prior law

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enforcement service from other law enforcement agencies may be accepted when determining years of law enforcement service.

1046.4.2 DUTY BELT
The Duty Belt shall be worn with all issued equipment except when worn in a formal capacity. The formal leather basket weave duty belt shall consist of duty holster, magazine case, handcuff case and four keepers.

The wearing of the gun duty belt, is not required within the buildings or upon the grounds of any of the Sheriff's jail facilities unless deputies are on an assigned foot patrol outside of jail security.

Range and TAC officers, and all other uniformed enforcement personnel assigned to primarily desk work shall have the option of substituting a paddle style holster or high rise holster on the trouser belt in lieu of the regulation gun belt. Personnel choosing to do so must comply with Section 1046.19. of this policy.

1046.5 POSSESSION OF UNIFORMS AND EQUIPMENT
Specifications for all uniforms and equipment will be in accordance with the standards maintained within this policy.

All uniformed personnel shall have readily available, unless otherwise exempted, the articles of apparel, identification and equipment necessary to perform their assigned duties, including deployment equipment and safety gear.

Sworn officers assigned to Custody or Investigations are expected to have readily available to them a full uniform and all Department issued equipment including, sidearm, ammunition, handcuffs, service cap, leather accessories, jacket and baton in the event of deployment.

1046.6 MANNER OF WEARING UNIFORMS
A complete uniform shall be worn at all times by uniformed personnel when representing the Department in an official function.

The Department uniforms shall be worn in a professional manner. All buttons shall be properly secured at all times. Hats, when worn, shall be worn squarely on the head, two (2) fingers above the eye. Trouser cuffs must hang neatly over boots or shoes. Long sleeve cuff buttons must remain buttoned at all times and sleeves may not be rolled up, including Class C and polo style shirts. Black crew neck T-shirts shall be worn, sleeves shall not be visible.

1046.7 MAINTENANCE OF UNIFORMS AND EQUIPMENT
Prescribed uniforms and equipment shall be maintained at all times in a clean and serviceable condition, ready for immediate use. Leather equipment shall be kept dyed black and clean.

1046.8 INSPECTION OF UNIFORMS
Commanders are responsible for ensuring subordinates properly wear and maintain their uniforms and equipment.

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1046.9 REPLACEMENT OF UNIFORMS AND EQUIPMENT

Articles of apparel and equipment shall be replaced as described below or when they are considered unserviceable. "Unserviceable" is defined as being so worn or damaged as to no longer present an acceptable appearance, or are in such condition that they no longer meet current specifications.

The following replacement schedule applies to uniform and/or equipment items issued or provided by the department:

1. Class "A", Class "B" or Class "C" annually at an allotment of any two (2) style approved shirts and an optional Class "A" long sleeve shirt
2. Class "D" shirts annually at an allotment of two (2)
3. Class "E" shirts annually at an allotment of three (3)
4. Class "E" pants annually at an allotment of three (3)
5. Pants, wool or Daily Utility style annually at an allotment of two (2) pairs
6. Ball cap annually
7. Jacket - when no longer serviceable
8. Leather gear - when no longer serviceable
9. Nylon gear - when no longer serviceable
10. Ballistic vest and carrier - five years from date of issue

1046.10 RESTRICTIONS ON WEARING OF UNIFORMS AND EQUIPMENT

The following restrictions apply to all personnel while wearing Departmental uniforms:

1. Personnel wearing Departmental uniforms may travel to and from work provided no distinguishable part of the uniform is visible unless authorized by the Sheriff-Coroner or their designee.
2. When armed, deputies not in uniform shall conceal weapons from public view.
3. Uniformed personnel shall wear the class of uniform specified for their rank and assignment, and no part of apparel or equipment not specified shall be worn while on duty. No distinguishable part of the official uniform shall be worn in conjunction with civilian dress, except as authorized.
4. Nylon gear shall not be worn with the Class "A" uniform.
5. Nylon gear shall not be worn on the basket weave leather duty belt. Leather gear shall not be worn on the nylon duty belt.
6. No part of the prescribed uniform shall be displayed off duty, except when authorized.
7. Sworn personnel and SSO personnel on light duty shall not wear clothing or uniform accessories that identify them as a law enforcement officer while in public places or places accessible to the public. This includes donning a uniform, gun belt, badge, and/or firearm. The public has an expectation that uniformed personnel will act when the need arises. Dressing in business attire will avoid the perception that personnel on

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light-duty assignments can assist when their physical limitations prohibit them from doing so. If being accommodated in a position outside of the public view, the proper attire is at the discretion of the respective Division Commander (See Policy 1054 for further details regarding modified duty assignments).

8. Non-Sworn and Professional personnel on light or modified duty shall wear business appropriate attire. Apparel other than business appropriate wear may be modified at the direction of an assigned supervisor or manager.

1046.11 HELMETS

Sworn personnel and Sheriff's Special Officers shall have Department issued safety helmets readily available for deployment. The chinstrap shall be secured at any time the helmet is worn..

1046.12 BODY ARMOR

Sworn personnel, Reserve Deputy Sheriffs, Sheriff's Special Officers, Community Service Officers, Deputy Coroners and Crime Scene Investigations Field personnel shall wear Department-issued body armor or their own Department-approved body armor as directed in Policy 1024. The wearing of the external carrier is not authorized with the Class "A" or Class "B" uniform. Law Enforcement managers are exempt from this provision.

1046.12.1 BODY ARMOR OUTER CARRIER

The exterior carrier for the ballistic vest shall have the Sheriff's sworn or non-sworn star, and name tape affixed to the front with the applicable back patch affixed to the back of the carrier. The wearing of an American flag patch affixed to the outer carrier may be worn. The patch will be Department issued consisting of OD green and black subdued design. The flag patch shall be worn on the right side of the outer carrier above the name strip. No other variations of the flag patch is authorized.

No other patches, pins or symbols are authorized to be worn or affixed to the outer ballistic carrier.

1046.13 HEAD WEAR

Standard issue black ball cap with "Orange County Sheriff" embroidered in black block letters. No other types or variations of ball caps will be authorized without approval of the Sheriff or the Sheriff's designee. Ball caps are issued from Quartermaster.

1. Wearing of ball caps will not be permitted with the Class "A" uniform or during the following events:

   (a) Ceremonies

   (b) Funerals

2. Department Members assigned to Custody and Court Operations are not permitted to wear a ball cap while working inside a correctional facility or courthouse.The only exceptions are:
   (a) Members working in outdoor recreation(b) Institutional Cooks working in the kitchen
   (c) Members conducting outdoor landscaping or grounds maintenance

   (d) Members conducting exterior building security checks.

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(e) Members assigned to the Civil Bureau

3. At no time will a ball cap be worn in substitute of the Department formal service cap and cap piece.
4. Wearing of watch caps, or beanies, is NOT permitted.
5. This policy does not apply to Special Operations Division.

The authorized cap for department members wearing the "Crye" style uniform will be an OD green ball cap with black embroidered sheriff's star with OD green background and "Orange County Sheriff's Department" arced above the star in black letters.

Bureau approved boonie hats are authorized for Members assigned and working Harbor Patrol.

1046.14 BATON

Deputies and SSOs shall be issued the 26" black wooden straight baton. Deputies and SSOs shall, in addition, be issued the 36" baton. Upon graduation from the Basic Academy, deputies and SSOs may be issued the 26" collapsible baton with holder. Deputies and SSOs , when on duty, shall carry their Department-approved batons unless their duty assignments precludes them from carrying a baton (e.g., working inside custody).

1046.15 CHEMICAL AGENTS

Sworn personnel, Sheriff's Special Officers (SSO), Community Service Officers (CSO), Correctional Services Technician (CST) and Correctional Service Assistants (CSA) shall, when on duty, carry an authorized chemical agent, unless their duty assignment precludes the carrying of a chemical agent or is exempt (see Policy Section 1046.4).

1. Sworn personnel, SSO's, CSO's, CST's and CSA's shall carry only those types of chemical agents authorized by the department and must have successfully completed Department-approved training.
2. It is the responsibility of the individual to exchange/return the chemical agent canister upon expiration to their respective division for replacement.
3. It is the responsibility of the individual to immediately notify a supervisor if a chemical agent is lost, and to obtain a replacement canister.

1046.16 TACTICAL RESCUE KNIFE

All sworn personnel working in a "Field" environment may carry an authorized tactical rescue knife while on duty whether in uniform or in plainclothes. The purchasing or acquiring of the Tactical Rescue Knife will be at the expense or responsibility of the employee.

1046.16.1 AUTHORIZED TACTICAL RESCUE KNIFE CRITERIA

1. The knife should be a quality folding knife with locking blade.
2. The blade should not exceed four (4) inches in length.
3. The blade can be straight serrated or a combination of both straight and serrated.

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4. The Tactical Rescue Knife must not violate any Federal or State laws.

1046.16.2 USE OF A TACTICAL RESCUE KNIFE

1. Tactical Rescue Knives are primarily carried to provide a cutting tool for employees to use in an emergency rescue, suicide intervention, utility cutting chores, package opening for searches, and other miscellaneous uses.
2. The Tactical Rescue knife may be used as a weapon when other means of defense are not reasonably available and deadly force is authorized.
3. The Tactical Rescue Knife shall not be displayed in an offensive or threatening manner. The carrying location of the Tactical Rescue Knife shall be at the discretion of the employee. Retention, safety, and concealment of the knife from public view is the employee's responsibility. The knife should not appear to be menacing or threatening to the public.

1046.16.3 SPECIAL USE KNIVES

1. A Special Use Knife is a knife that does not violate any Federal or State laws and is not defined as a Tactical Rescue Knife. An example of a Special Use Knife is a fixed blade knife carried in a sheath.
    (a) Employees working a unique or special assignment may carry a Special Use Knife with their Commander's approval.

1046.16.4 RESCUE CUTTERS AND MEDICAL SCISSORS (CUSTODY DEPUTIES)

All deputies working in a custodial facility are authorized to carry a rescue cutter and/or medical scissors on their person. The only rescue cutters and medical scissors authorized to be carried are those issued by Custody Operations as outlined below.

1. The issuance of a Rescue Cutter, Medical Scissors or both will be determined by the facility Commander. The facility Commander shall consider whether one or both items are suitable based on the unique needs of the facility population.
    (a) Rescue Cutter: (better suited for cutting a sheet or homemade rope).
        i. Must be carried in a sheath that completely covers the cutting edge.
        ii. Must be affixed to a belt if worn externally or may be carried in a secured pocket (while sheathed).
    (b) Medical Scissors: (better suited for cutting a safety gown, blanket, or safety blanket).
        i. Must be carried in a sheath (affixed to a belt clip) if worn externally or may be carried unsheathed in a secured pocket.
2. Deputies are responsible for maintaining possession and control of their rescue cutter and/or medical scissors. Misplaced or missing items must be immediately reported to a supervisor.

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1046.17 RAIN GEAR

Department issued rain gear shall be maintained and used for official use only. Rain gear is replaced when no longer serviceable.

Cap covers and waterproof footwear is optional and shall be provided by the individual department member.

1046.18 SHOES AND BOOTS

Shoes and boots shall be provided by the individual department member and shall conform to the type specified for each class of uniform. Shoes and boots shall be black in color and kept clean and polished.

Boots may be provided at Department cost and issued to only authorized special assignments and may be discontinued at the discretion of the Sheriff or the Sheriff's designee. These special assignments are:

1. Hazardous Devices Section (including rubber boot cover)
2. S.W.A.T.
3. K9
4. Air Support Bureau
5. Motor Boots (To be paid by contract city)

1046.19 HANDGUNS

The carry of Department issue or private purchase handguns by Deputies, Sheriff's Special Officers, Reserves, and Deputy Coroners for official and off-duty use shall conform to the regulations outlined in Policy 380.

1046.19.1 HANDGUNS ON-DUTY

Deputies, Deputy Coroners, Reserves, and Sheriff's Special Officers shall, when on-duty, carry or possess an authorized handgun in a clean, usable condition, unless their duty assignment precludes the carrying or possessing of a handgun, or unless they have been exempted by the Sheriff-Coroner.

Reserve deputies (with the exception of Level 1-D) and Sheriff's Special Officers shall not carry a firearm issued by the Orange County Sheriff's Department when not working in their official capacity. It is the policy of this Department to allow Reserves (Level 1, 2, and 3) and Sheriff's Special Officers to carry firearms while on-duty. Reserves (Level 1, 2, and 3) and Sheriff's Special Officers may lawfully transport their duty firearm to and from duty. Please reference Department policy 380.11 for the storage of Department issued firearms.

1046.20 RESTRAINT EQUIPMENT

1. Handcuffs

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(a) Sworn personnel shall, while on duty, carry on their person or have immediately available at least one (1) pair of handcuffs meeting the specifications of standard Department issue. Administrative managers are exempt.

(b) Plastic flex cuffs may be utilized as an appropriate means of restraint. *Note: flex cuffs should be used only when there is access to an appropriate tool for the immediate removal of the flex cuffs.

2. Leg Restraints

(a) Deputies may carry their own leg restraints provided they meet the specifications of those authorized for use in Custody Operations Command and Court Operations Division.

3. Waist Restraints

(a) Deputies may carry their own waist restraints provided they meet the specifications of those authorized for use in Custody Operations Command and Court Operations Division.

1046.21 HOLSTERS

1. Uniformed personnel will carry only the Department-approved holsters that are listed in the Department-approved holster addendum list maintained by the Training Division Commander (refer to Lexipol Policy 380.2.2(4) for details). The Department will provide a duty holster to personnel who carry a department issued firearm. Members who choose to carry their own optional handgun on duty must purchase a Department-approved holster at their own expense. The holster must meet the following minimum specifications:

(a) A duty holster approved by the Firearms Training Unit. Refer to the Department-approved holster addendum list for further details.

(b) The holster must be designed for the specific handgun, pistol mounted optic, and/or weapon-mounted light combination.

(c) Must be black with basket weave design for wear with the Class "A" or Class "B" uniform. May be plain black for wear with the Class "C" uniform.

(d) Modifications outside the original manufacture's specifications are not authorized.

2. Based on duty assignment, personnel may be permitted to utilize an optional paddle style holster. Additionally, the holster is required to have a belt, or clothing, retention capability that will prevent the holster from being easily removed. Holsters using internal friction as the only retention system are not authorized.

3. "Leg Rig" style holsters may only be worn with the Class "C" uniform and shall be secured to the thigh. These types of holsters are usually attached to the duty belt and have a strap that secures the base of the holster to the thigh.

4. Drop style holsters may be worn if the holster and dropdown attachment is listed in the approved holsters addendum. These types of holsters are usually attached to the duty belt through the loop and may have a pivot point.

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5. If personnel choose to carry a handgun in plain clothes or off-duty capacity, the handgun must be carried in a holster covering the trigger guard.

1046.22 CELLULAR PHONES

Cellular phones throughout this Manual are referred to as cellular phones, cell phones, mobile phones, and personal communication devices (PCDs). With the rapid technical advancements, these devices have evolved from simple communication devices to hand-held computers.

Given these continued advancements, it is up to the Member to identify the current functionality of their device and the associated guiding policy within this Manual. The following list of policies are the most applicable, however this list is not all-inclusive.

(a) 212 Electronic Communication

(b) 303 Department Media

(c) 352 Department Computer Use

(d) 424 Portable Audio/Video Recorder

(e) 702 Personal Communication Devices

(f) 802 Evidence

(g) 1055 Social Media

(h) 1058 Employee Speech, Expression and Social Networking

When a Member is issued a cellular phone, the Member is to maintain possession of the device while on duty and on-call for duty, if applicable.

1046.23 PROHIBITED EQUIPMENT

Items of restraint not described in this chapter are prohibited, except as individually approved by the Sheriff-Coroner.

Deputies shall not obtain or possess additional badges or identification cards unless approved or issued by the Department.

Wearing of any pin or insignia such as fraternal organization on the uniform is prohibited, except for items listed in 1046.24.

1046.24 SPECIALTY AND SERVICE AWARD PINS

Specialty and Service Award pins are to be worn on the Class "A," Class "B" and Class "C" uniform only. Members of the following specialty units may wear the appropriate pin for that unit. The pin will be worn on the right shirt pocket flap, one-half inch below the top of the pocket flap, centered in the outer 1/4 of the flap, closest to the heart.

Recipients of medals for valor, courage, merit, distinguished deputy, the Sheriff's Award or contract city service awards, may display the accompanying award bar over the left breast pocket of the uniform. Order of presentation will be left to right (valor, courage, lifesaving, merit, other) when

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more than one award bar is displayed. Award bars will be centered and resting over the uppermost edge of the pocket flap.

Service Award Pins:

1. Valor
2. Courage
3. Lifesaving
4. Merit
5. Distinguished Deputy
6. Purple Heart

Specialty Service Pins:

1. Canine
2. Mounted
3. SWAT
4. CNT
5. HDS
6. Air Support
7. Dive Team
8. Critical Incident Response Team (CIRT)
9. FTO/MFTO
10. TAC
11. Honor Guard
12. Commemorative/Earned pins-Will be worn on the right shirt pocket flap, centered and one-half inch below the top of the pocket flap. Authorized Commemorative/Earned Pins include:
    (a) Years of Service (5, 10, 15 years, etc.)
    (b) Facility Pins (CJX, TLF, etc.)
    (c) 10851 Pin
    (d) Drug Use is Life Abuse (DUILA)
    (e) DUI Pin
    (f) MADD
    (g) Peace Officers Memorial
    (h) Red Ribbon
    (i) Gold Star

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Combination Flag/Military Service Pins:

1. U.S. Army
2. U.S. Air Force
3. U.S. Navy
4. U.S. Marine Corps
5. U.S. Coast Guard

Field Training Officers/Master Field Training Officers may wear their FTO/MFTO pin on the right shirt pocket flap, one-half inch below the top of the pocket flap, centered in the outer 1/4 of the flap.

A small replica of the American flag may be worn on the left shirt pocket flap, centered one-half inch below the top of the pocket flap. Combination pins consisting of military branch and American flag may be worn in place of the American flag pin.

The Sheriff-Coroner may authorize the wearing of an insignia, medal or pin for special events, occasions or assignments, or black mourning bands.

Marksmanship Qualification Program Pins will be worn on the left shirt pocket flap, one-half inch below the top of the pocket flap, centered in the outer 1/4 of the flap.

1046.25 UNIFORM RANK INSIGNIA

1. Uniformed deputies shall wear the following appropriate insignia:
   (a) Sheriff-Coroner: Four (4) joined silver stars
   (b) Undersheriff: Three (3) joined silver stars
   (c) Assistant Sheriff: Two (2) joined silver stars
   (d) Commander: One (1) silver star
   (e) Captain: Two (2) silver bars
   (f) Lieutenant: Single silver bar
   (g) Sergeant: Three (3) stripe chevron
   (h) Investigator: Two (2) stripe chevron
   (i) Master Field Training Officer: One (1) stripe chevron
2. Dress Jacket
   (a) The Department does not authorize the wear of the dress "Ike" jacket except for the Chaplain classification.
3. Patrol Jacket
   (a) Sergeant: Chevrons shall be worn on both jacket sleeves. They shall be located vertically centered on the jacket shoulder strap one half inch below the Department shoulder patch.

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(b) Investigator: Chevrons shall be worn on both jacket sleeves. They shall be located vertically centered on the jacket shoulder strap one half inch below the Department shoulder patch.

(c) Master Field Training Officer: Chevrons shall be worn on both jacket sleeves. They shall be located vertically centered on the jacket shoulder strap on half inch below the Department shoulder patch.

4. Shirts

(a) The insignia of grade, shall be worn on both sides of the collar of the Class "A," Class "B" and Class "C" shirt. The Sheriff-Coroner, Undersheriff, Assistant Sheriffs and Commanders insignia will be centered between the top and bottom edge of the collar, with the leading or forward edge of each insignia being approximately one inch from the front edge of the collar. One ray of each star shall point toward the top edge of the collar.

(b) Captain: Two joined silver bars on each side of the shirt collar, with the front edge of the bar three-eighths inch from and parallel with the front edge of the collar and centered on the collar.

(c) Lieutenant: Single silver bar on each side of the shirt collar, with the front edge of the bar one-half inch from and parallel with the front edge and centered on the collar.

(d) Sergeant: Chevrons shall be worn on both shirt sleeves. They shall be located vertically centered on the shirt crease one-half inch below the Department patch.

(e) Investigator: Chevrons shall be worn on both shirt sleeves. They shall be located vertically centered on the shirt crease one-half inch below the Department patch.

(f) Master Field Training Officer: Chevrons shall be worn on both shirt sleeves. They shall be located vertically centered on the shirt crease one-half inch below the Department shoulder patch.

1046.26 DEPARTMENT SHOULDER PATCHES

The appropriate Department issued shoulder patch shall be worn with all Class uniforms when the patch is required.

1046.27 DEPARTMENT NAME TAPES AND PLATES

All uniformed personnel shall wear the Department issued name badge on the shirt or the jacket per Penal Code § 830.10.

1046.27.1 USE OF TEMPORARY IDENTIFICATION NUMBER (TIN)

During Mobile Field Force (MFF) or Special Response Team (SRT) deployments, personnel may face credible threats, including doxing or targeted harassment. In these situations, the use of a Temporary Identification Number (TIN) may be authorized.

- Authorization must come from an Assistant Sheriff through the Department Commander.

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- For planned deployments that require an Incident Action Plan (IAP), authorization for TIN use shall be documented in the IAP.
- When authorized, personnel may replace the standard velcro name tape or brass name plate with a Department-approved TIN name tape or name plate.
- This modification applies only for the duration of the specific assignment or operational period. Once the event concludes, personnel shall resume wearing their Department-issued name tape or name plate.
- All uniformed personnel who are deployed during these types of incidents shall have either their name or TIN displayed.

1046.27.2 DOCUMENTATION AND ACCOUNTABILITY

- When authorization for TIN use is granted by an Assistant Sheriff, the Department Commander shall document the approval in the CAD system.
- All Temporary Identification Numbers (TINs) shall be issued by the Quartermaster.
- The Quartermaster shall assign each TIN and maintain a permanent record of issuance in the Department's designated electronic tracking system.
- TIN records shall include the TIN number, the employee assigned, the date and time of issuance.
- TINs may be reissued to different employees for subsequent incidents once the prior assignment has concluded.
- If a TIN is released through a Public Records Act (PRA) request, the affected employee may request reassignment of a new TIN through the Quartermaster.
- The Quartermaster shall document the reassignment in Department Service system and retire the previously issued number from further use for that employee.
- The TIN name tape must be Department-approved in format, clearly legible, and consistent with this policy and the Department's Uniform Manual.

1046.27.3 NON-UNIFORMED PERSONNEL IDENTIFICATION

Non-uniformed personnel who are deployed during an incident involving the arrest or detention of an individual, or deployed for crowd control purposes, shall visibly display identification that identifies them as a member of the Department and includes either their name or badge number, or both (Penal Code § 13654).

The above requirement for non-uniformed personnel to visibly display identification does not apply to the following:

- An officer engaged in undercover operations or active investigative activities.
- An officer wearing personal protective equipment that prevents display.
- Exigent circumstances involving imminent danger to persons or property, or the escape of a perpetrator, or the destruction of evidence, including when the officer is responding to those circumstances while off-duty.

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- A SWAT officer or other tactical team member when actively performing SWAT or tactical team duties.
- An officer engaged in protective detail activities of an elected official where display would compromise the safety, anonymity, or tactical effectiveness of the protection detail.

1046.28 INDIVIDUAL FIRST AID KIT (IFAK)

The IFAK is a resource to be used in emergency medical situations where traditional medical care (paramedics, nurses, doctors) is not available or is delayed. The IFAK is designed for self-care, buddy-care, or to treat any person(s) needing immediate lifesaving treatment. The IFAK is designed to help control severe bleeding. Its use must be accompanied by sound officer safety practices.

1. The IFAK shall consist of these essential elements:
    (a) Latex medical gloves
    (b) Sheers, J-hook or strap cutter
    (c) Hemostatic gauze
    (d) Compressed gauze pads
    (e) Chest seals (self-adherent dressing designed for treating open chest wounds).
    (f) Modular bandages
    (g) Tourniquet(s)
    (h) IFAK pouch
2. Member Responsibilities
    (a) Personnel should have the IFAK readily available and easily accessible at all times in the field.
    (b) Members are responsible for maintaining the IFAK and its essential contents.
    (c) In addition to initial training (OCSD Dashboard Training Video), employees will also receive biennial training (CPR-First Aid) that addresses the IFAK policy.

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Emergency Notifications

1049.1 PURPOSE

California Government Code §3100, designates all public employees as Disaster Service Workers. This policy establishes guidelines for issuing mass notifications to Members regarding catastrophic incidents affecting the Orange County Sheriff-Coroner Department. Emergency notifications shall be initiated providing Department Members with essential emergency information and potential emergency employee recall. These notifications shall not be used for day-to-day operations.

1049.2 COMMUNICATION TYPES

The Orange County Sheriff-Coroner Department shall use any available communication types to relay information to Members. This process includes the activation of the “AlertOC” mass notification system. This allows responsible parties to deliver notifications over multiple communication types including voice, email and text. While this tool may be used by the Department to relay emergency information, Members are encouraged to monitor local media outlets for additional information regarding emergency conditions.

1049.3 MEMBER INFORMATION

The AlertOC system contains Member contact information to notify Members and their families with essential emergency information using various communication types. This system requires regular maintenance to ensure Members and family members can be contacted in an emergency. This contact information shall be managed by the Department Commander, or designee in compliance with OCSD Policy §215, and shall strictly be used for notification of a significant event.

1049.4 MEMBER EXPECTATIONS

When a notification is received that requires Member action, all required Members shall respond to the notification directions. The notifications shall allow the Department Commander, or designee to determine Member safety, and staffing of emergency related positions.

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Nepotism and Conflicting Relationships

1050.1 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, but are not limited to, all of the following: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline, workplace safety, and security.

1050.1.1 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 Member's annual interest, compensation, investment or obligation is $500 or more.

Conflict of interest - Any actual, perceived, or potential conflict of interest in which it reasonably appears that a Department Member's action, inaction or decisions are or may be influenced by the Member'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 - A Member's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - A Member who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - A Member who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate Member.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department shall not prohibit all personal or business relationships between Members. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

1. Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other Member who is a relative or with whom they are involved in a personal or business relationship.

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(a) 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 Member to an uninvolved supervisor.

(b) When personnel and circumstances permit, the Department shall attempt to make every reasonable effort to avoid placing Members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any Member to another position within the same classification in order to avoid conflicts with any provision of this policy.

2. Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a Member who is a relative or with whom they are involved in a personal or business relationship.

3. Whenever possible, FTOs and other trainers shall not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any Member they are assigned to train until such time as the training has been successfully completed and the Member is off probation.

4. 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.

5. Except as required in the performance of official duties or, in the case of immediate relatives, Members 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.

1050.2.1 MEMBER RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the Member knows or reasonably should know could create a conflict of interest or other violation of this policy, the Member shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any Member is placed in circumstances that would require the Member to take enforcement action or provide official information or services to any relative or individual with whom the Member is involved in a personal or business relationship, the Member shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the Member shall promptly notify dispatch to have another uninvolved Member either relieve the involved Member or minimally remain present to witness the action.

1050.2.2 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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1050.2.3 EXCEPTIONS

Exceptions to this policy may be based on the nature of assignment and job classifications.

Exceptions to this policy may be granted only by the approval of the Sheriff-Coroner.

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Department Badge(s) / Identification Card

1052.1 PURPOSE AND SCOPE

The Orange County Sheriff-Coroner Department badge, identification card and uniform patch as well as the likeness of these items and the name of the Orange County Sheriff-Coroner Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY

This policy applies to all badges and identification cards, property of the Orange County Sheriff-Coroner Department, issued to active and retired Department Members, as well as professional staff, volunteers, and contract Members.

Department badges and identification cards 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 and identification cards issued by this Department shall be displayed, carried or worn by Members while on duty or otherwise acting in an official or authorized capacity.

1052.3 DEPARTMENT IDENTIFICATION CARD (ISSUANCE)

All active and "Honorably Retired" Members of the Orange County Sheriff-Coroner Department shall be issued a Department identification card. "Honorably Retired" Members are those peace officers who have qualified for, and have accepted, a service or disability retirement. "Honorably Retired" does not include an officer who has agreed to a service retirement in lieu of termination (CPC 16690). The identification card shall only be used and/or displayed for purposes of official Department business. Identification cards are property of the Department and shall be surrendered at the direction of the Sheriff.

1052.3.1 TYPES OF DEPARTMENT IDENTIFICATION CARDS

Department Identification Cards will be issued in accordance with the following guidelines and shall reflect the position of the assigned Member (e.g. Deputy Sheriff, Radio Dispatcher, Office Specialist).

1. Green with Sheriff's Star - Sworn Members and Sheriff's Special Officers: All sworn OCSD Members, both full-time and reserve and Sheriff's Special Officers.
2. Dark Blue with Sheriff's Seal - Professional Staff: All non-sworn and uniform professional, full-time OCSD Members.
3. Yellow with County Seal - Contractor: Personnel from companies vending or contracting goods or services to OCSD.
4. Purple with County Seal - OC HCA: Orange County Health Care Agency staff assigned to OCSD Jail Facilities.
5. Dark Red with County Seal - Volunteer: Interns, Explorers, and Professional Service Responders.

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6. Black with Generic Sheriff's Star - Outside Agency: Both sworn and non-sworn members of other law enforcement agencies.

1052.4 OFFICIAL DEPARTMENT UNIFORM BADGE (PIN-ON)

The official uniform badge of a Deputy Sheriff is prescribed as a metal, gold-colored, six-point star with rounded tips, textured border and curved for uniform wear. The badge's centerpiece consists of two curved banners engraved with the wearer's rank and the Department's location, with decorative scrollwork between the banners. A triangular plate for the badge number is beneath the lower banner. The round seal of the state of California is mounted on top of the centerpiece. If the wearer has a rank higher than that of a Deputy Sheriff, their badge also includes a rank banner across the top point of the base plate.

The official badge worn by Sheriff's Special Officers (SSO) have a banner across the top indicating such. The official uniform badge shall be worn on the Class A uniform shirt, uniform jacket or outer most garment.

1052.4.1 OFFICIAL DEPARTMENT FLAT BADGE

The official flat badge is identical in appearance to the uniform badge, manufactured flat for use as wallet identification. The use of a flat badge is subject to all the same provisions of Department policy as the uniform badge.

1052.4.2 CLOTH BADGE

The cloth badge is prescribed as a machine stitched, gold six-point star. The center of the badge shall be circumscribed by blue letters containing the words "Deputy Sheriff" and "Orange County." The inner circle shall contain the seal of the state of California.

1052.4.3 POCKET LUCITE BADGE

The pocket Lucite badge is an encased badge that is designed to fit the front pocket of a dress shirt/coat for purposes of providing identification while wearing professional attire.

1052.5 BADGE ISSUANCE

The Orange County Sheriff-Coroner Department has an obligation to strict adherence to California statute, public faith and law enforcement's ethical standards in issuance of Department badges. Members of the Orange County Sheriff-Coroner Department shall be issued a Department badge (Uniform and/or Flat) based on their specific job classification and duties required.

Sworn Department Members at the rank of Lieutenant or higher and professional staff Members at the rank of Division Director or higher may be issued Pocket Lucite Badges based on need and approval of the PSD Commander.

1052.5.1 HIRE / APPOINTMENT

The following is a list of Department job classifications that shall be issued an Official Uniform (pin-on) and/ or Flat badge by means of equipment issue from Professional Standards:

1. Deputy I-Sheriff (CPC 830.1)

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2. Sheriff's Special Officer / SSO
3. Deputy Coroner (CPC 830.35)
4. Reserve Deputy (CPC 830.6)

All other uniformed job classifications shall be issued a cloth badge (Policy Manual Section 1052.4.2).

1052.5.2 PROFESSIONAL SERVICE RESPONDERS
Professional Services Responders who have at least 10 years of volunteer service will be eligible for issuance of an Identification Card indicating "Honorably Served" and dates of service to the Department along with a Certificate of Appreciation from the Sheriff.

1052.5.3 LUCITE ENCASED BADGES
All Department Members retiring / separating with at least 10 years of service to the Department, and honorably separated Reserves who have been approved by the Sheriff to receive a flat badge, may be eligible to purchase, at their own expense, a badge(s) encased in Lucite commemorating their years of service. Sworn Members may include service to other law enforcement agencies in determining eligibility (10 years).

Department Members being "Terminated" or retiring / separating "In Lieu of Termination" (Policy Manual Section 1053.4.3 will not be eligible.

1052.6 "SPECIAL PRESENTATION" BADGES
"Special Presentation" Badges may be presented to dignitaries and/or persons as determined by the Sheriff. All "Special Presentation" Badges will be encased in a Lucite plaque and tracked by the Professional Standards Division.

1052.7 LOST / STOLEN BADGES / IDENTIFICATION CARDS
Department Members whose Badge and/or Identification are lost or stolen shall adhere to the following:

1. Prepare a Sheriff's Department Memorandum to their Commander detailing the circumstances.
2. Complete a Department Report (DR) or submit a copy of an investigating Police/ Sheriff's Department's report.
3. Submit copies of documentation indicated in (a) & (b) to the Professional Standards Division.

If the Member's Commander determines there was negligence and/or poor judgment exercised on the part of the Member, a Personnel Investigation may be initiated.

1052.7.1 REPLACEMENT BADGES / IDENTIFICATION CARDS
Department Members shall be issued a replacement badge and identification card upon presentation of the documentation in Policy Manual Section 1052.7. Duplicate badge numbers will not be created, as replacement badges will contain a new number. *If the lost/stolen badge*

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or identification card is located, they must be surrendered to the Professional Standards Division immediately.

1052.8 UNAUTHORIZED USE

Department badges and/or identification cards issued to all sworn and professional staff Members and reserves are for official use only. The Department badge, identification card, patch or 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, identification card, uniform patch or Department name for all material (printed matter, products or other items) developed for Department use shall be subject approval by the Sheriff.

Members and reserves shall not loan his/her Department badge and/or identification card to another and shall not permit the badge or identification card to be reproduced or duplicated.

1052.9 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:

1. The employee association(s) 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 Orange County Sheriff-Coroner Department. The following modifications shall be included:
    (a) The text on the upper and lower ribbons is replaced with the name of the employee association.
    (b) The badge number portion displays the acronym of the employees association.
2. The likeness of the Department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

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Retirement and Separation

1053.1 PURPOSE AND SCOPE

The purpose of this policy is to identify procedures for those Department Members who are retiring and/or separating from service. This policy will cover the issuance of identification cards, badges, carry concealed weapon endorsements (CCW), and other Department issued items.

Note: Department identification and badges described in this policy shall only be used in accordance with guidelines listed in Policy §1052.

1053.1.1 DEFINITIONS

Honorably Retired: The California Penal Code defines "honorably retired" as those peace officers who have qualified for, and have accepted, a service or disability retirement (regardless of tenure). "Honorably retired" also includes a retired level I reserve officer who meets the requirements specified in CPC 26300(c)(2). "Honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination (CPC §16690).

Honorable Separation: Department Members who separate from service to the Orange County Sheriff's Department who have met Department standards during their service term, and who are separating with no pending administrative/Internal Affairs investigations or disciplinary actions, shall be considered "honorably separated."

1053.2 DEPARTMENT IDENTIFICATION CARDS

All “honorably retired” sworn Members of the Orange County Sheriff’s Department shall be issued a Department identification card (CPC §25455). The identification card shall only be used and/or displayed for purposes of official Department business.

1053.2.1 CCW ENDORSEMENTS

If applicable, the Department identification card shall be endorsed for CCW provisions (Policy §220).

1053.2.2 REVOCATION

The agency from which a peace officer is honorably retired may, upon initial retirement of that peace officer, or at any time subsequent thereto, deny or revoke for good cause the retired officer's privilege to carry a concealed firearm (CPC §25470, Policy §220).

1053.3 RETIREMENT BADGES

Peace officer Members who are "honorably retired" or honorably separated from service from the Orange County Sheriff's Department may be issued Department badges in accordance with the guidelines set forth in this policy. The Department shall not issue any Sheriff's Department badge that is not permanently affixed to a plaque or other memento, and clearly marked as "Retired".

Note: California statute does not mandate the issuance of badges/flat badges to peace officers who retire or separate from service (CPC §538d (d)(1)). It is in the Sheriff's discretion whether to issue retirement flat badges to retiring Members.

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1053.3.1 RETIREMENT BADGE / IDENTIFICATION REPLACEMENT
Retired or separated Members are responsible for covering all replacement costs, including shipping fees, if their flat badge and/or identification are lost, stolen, or damaged.

1053.4 RETIREMENT/SEPARATION (PEACE OFFICER/NON-RESERVE)

Peace officer (non-reserve) Members may be provided the following upon “honorable retirement” and/or honorable separation. Members may include service to other law enforcement agencies in determining eligibility. **Any exception to these requirements must be authorized by the Sheriff.**

1053.4.1 HONORABLE SERVICE RETIREMENT
20 or more years of California law enforcement service, with the last 10 years of service to the Orange County Sheriff’s Department; OR at least 50 years of age and have 10 or more years of service to the Orange County Sheriff’s Department prior to retirement. The Member is eligible to receive the following:

1. Recognition plaque (laser engraved)
2. Identification card with CCW endorsement (CPC §25455)
3. Flat badge attached to wallet – labeled “Retired”

1053.4.2 HONORABLE SEPARATION

1. 10 or more years of service with the Orange County Sheriff's Department, but less than 50 years of age. The Member is eligible to receive the following:
   (a) Recognition plaque (laser engraved)
   (b) Identification card indicating "Honorably Served" with the dates of service to the Department (may apply for CCW license - CPC §26150)
   (c) NO flat badge
2. Less than 10 years of service with the Orange County Sheriff's Department. The Member is eligible to receive the following:
   (a) Certificate of appreciation from the Sheriff
   (b) NO identification card (may apply for CCW license - CPC §26150)
   (c) NO flat badge

1053.4.3 TERMINATION/AGREEMENT TO RETIRE IN LIEU OF TERMINATION
The Member is eligible to receive the following:

1. NO recognition plaque or certificate
2. NO identification card (may apply for CCW license - CPC §26150)
3. NO flat badge

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1053.4.4 REGULAR SERVICE RETIREMENT (WITH PENDING ADMINISTRATIVE/ INTERNAL AFFAIRS INVESTIGATION OR DISCIPLINARY ACTION)
The Member is eligible to receive the following:

1. Recognition plaque (laser engraved)
2. Identification card (CCW endorsement subject to Sheriff approval)
3. NO flat badge (unless approved by Sheriff)

1053.4.5 SEPARATION (WITH PENDING ADMINISTRATIVE/INTERNAL AFFAIRS INVESTIGATION OR DISCIPLINARY ACTION)
The Member is eligible to receive the following:

1. Recognition plaque (laser engraved) only with 10 or more years of service
2. NO identification card (may apply for CCW license - CPC §26150)
3. NO flat badge

1053.4.6 DISABILITY RETIREMENT (NON-PSYCHOLOGICAL REASONS)
The Member is eligible to receive the following:

1. Recognition plaque (laser engraved)
2. Identification card with CCW endorsements (CPC §25455)
3. Flat badge attached to wallet – labeled "Retired"

1053.4.7 DISABILITY RETIREMENT (PSYCHOLOGICAL IMPAIRMENT)
The Member is eligible to receive the following:

1. Recognition plaque (laser engraved)
2. Identification card (NO CCW endorsement per CPC §26305(a))
3. NO flat badge

1053.4.8 DISABILITY RETIREMENT WITH PENDING ADMINISTRATIVE/INTERNAL AFFAIRS INVESTIGATION OR DISCIPLINARY ACTION
The Member is eligible to receive the following:

1. Recognition plaque (laser engraved)
2. Identification card with CCW endorsements. CCW can be denied for good cause (CPC §25455, 25470)
3. NO flat badge

1053.4.9 REASSESSMENT FOLLOWING SEPARATION/RETIREMENT WITH PENDING ADMINISTRATIVE/INTERNAL AFFAIRS INVESTIGATION OR DISCIPLINARY ACTION
Regarding sections 1053.4.4, 1053.4.5, and 1053.4.8:

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If a Member separates or retires with a pending administrative or internal affairs investigation or disciplinary action, the Member may request a reassessment of their separation or retirement status once the investigation is complete and the case is closed.

Upon completion of the investigation and closure of the case, the Department shall, upon request from the separated or retired Member, send a notification to the Member's provided email or home address stating:

1. That the investigation has been completed; and
2. The final determination of the investigation.

To be eligible for reassessment, the separated or retired Member must have voluntarily cooperated during the investigation. In doing so, the Member retains all rights afforded to them by law.

1053.5 RETIREMENT/SEPARATION (SHERIFF'S SPECIAL OFFICER)

Sheriff's Special Officers (SSO) are eligible to receive the below upon “honorable retirement” and/or honorable separation. **Any exception to these requirements must be authorized by the Sheriff.**

1053.5.1 HONORABLE RETIREMENT/HONORABLE SEPARATION

10 or more years of service and at least 50 years of age OR 20 or more years of service at any age. The Member is eligible to receive the following:

1. Recognition plaque (laser engraved)
2. Identification card indicating “Honorably Retired” - The back of the identification card will read: "The bearer of this identification card attests, and available Department records indicate, that he/she is an honorably retired law enforcement officer. This credential does not delegate any law enforcement authority."
3. May apply for CCW license (CPC §26150)
4. NO flat badge

1053.6 RESERVE STATUS SEPARATION

Reserve personnel are eligible to receive the below upon honorable separation. **Any exception to these requirements must be authorized by the Sheriff.**

1053.6.1 HONORABLE SEPARATION FROM RESERVE STATUS - LEVEL 1

10 or more years of aggregate service and at least 50 years of age OR 20 or more years of aggregate service at any age. The Reserve is eligible to receive the following:

1. Recognition plaque (laser engraved)
2. Identification card with CCW endorsement (CPC §26300(c)(2))
3. Flat badge attached to wallet – labeled "Honorably Served Reserve Deputy" (subject to Sheriff approval)

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1053.6.2 HONORABLE SEPARATION FROM RESERVE STATUS - LEVELS 2 AND 3

1. 10 or more years of aggregate service and at least 50 years of age. The Reserve is eligible to receive the following:
   (a) Recognition plaque (laser engraved)
   (b) Identification card (NO CCW endorsement per CPC §26300(c)(2))
   (c) Flat badge attached to wallet – labeled "Honorably Served Reserve Deputy" (subject to Sheriff approval)
   (d) May apply for CCW license (CPC §26150)
2. 10 or more years of aggregate service and less than 50 years of age. The Reserve is eligible to receive the following:
   (a) Recognition plaque (laser engraved)
   (b) NO identification card
   (c) NO flat badge
   (d) May apply for CCW license (CPC §26150)
3. Less than 10 years of aggregate service. The Reserve is eligible to receive the following:
   (a) Certificate of appreciation from the Sheriff
   (b) NO identification card
   (c) NO flat badge
   (d) May apply for CCW license (CPC §26150)

1053.6.3 RESERVE STATUS "INJURED IN THE LINE OF DUTY" (NO LONGER PERFORMS ESSENTIAL FUNCTIONS AND DOES NOT MEET THE REQUIREMENTS SPECIFIED IN 1053.6.1 OR 1053.6.2)
The Reserve is eligible to receive the following:

1. Recognition plaque (laser engraved)
2. NO identification card
3. NO flat badge
4. May apply for CCW license (CPC §26150)

1053.6.4 TERMINATION OR LESS THAN HONORABLE SEPARATION
The Member is eligible to receive the following:

1. NO identification card
2. NO flat badge
3. May apply for CCW license (CPC §26150)

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1053.6.5 PROFESSIONAL SERVICE RESPONDERS (PSR)
10 or more years of volunteer service. The PSR is eligible to receive the following:

1. Certificate of appreciation from the Sheriff
2. Identification card indicating “Honorably Served”

1053.7 LUCITE ENCASED BADGES

All Department Members who honorably retire and/or honorably separate with at least 10 years of service, and honorably separated reserves who have been approved by the Sheriff to receive flat badges may be eligible to purchase, at their own expense, badges encased in Lucite commemorating their years of service. Sworn Members may include service to other law enforcement agencies in determining eligibility.

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Modified Duty Assignments

1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning Members to modified duty. Temporary modified-duty assignments may be available to Members who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Sheriff or his/her designee.

Modified-duty assignments are intended to provide a Member with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive Member during the interim period.

The Department shall engage in a good faith interactive process to consider reasonable accommodations for any Member with a temporary or permanent disability.

1054.1.1 DEFINITIONS

Modified Duty: A temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

1054.2 LIMITATIONS

Modified-duty assignments are a management prerogative and not a Member right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Department need and the Member's ability to perform in a modified-duty capacity.

An injured Member may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related, the Member shall be given the option to either accept the position or continue to draw on sick leave or other leave accounts as applicable.

1. If a Member cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
2. The lack of Department need or a change in priorities may result in the Member's removal from or modification of a modified-duty assignment.
3. The Department may place conditions as deemed appropriate upon any modified-duty assignment.
4. Members accommodated in modified duty assignments are expected to respond to subpoenas and provide court testimony as necessary. Members who are unable to appear and testify in response to a subpoena because of an industrial or non-industrial injury or illness must provide written documentation from their health care provider indicating their inability to appear and testify.

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1054.3 PROCEDURE

Members may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations, and expected duration to their Commander or his/her designee and the Return to Work Unit. The statement must also indicate if the Member requires any workplace accommodations, mobility aids, or medical devices.

The Commander shall determine what modified-duty assignments may be available based on the needs of the Department, limitations of the Member, and suitability of the Member to work a particular assignment.

1054.3.1 MODIFIED-DUTY SCHEDULES

The schedules of Members assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Commander.

The Member and his/her supervisors should be informed in writing of the schedule, assignment, limitations, and restrictions as determined by the Member's health care provider.

1054.3.2 ACCOUNTABILITY

1. Members 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 shall be arranged during off-duty time or otherwise charged to the Member's sick leave or other leave accounts as applicable.
2. Members shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor and the Return to Work Unit of any change in restrictions or limitations as determined by their health care provider. A Member assigned to a modified-duty assignment shall provide a duty status report to the Return to Work Unit no less than once every 30 days while the Member is on modified duty.
3. Supervisors shall keep the Commander apprised of the Member's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days shall require a written status report and a request for an extension to the Commander with an update of the Member's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff or his/her designee.
4. When it is determined that a Member on modified duty shall return to regular duty, all training and certification necessary for return to duty shall be reviewed and updated as necessary.

1054.3.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any Member assigned to a modified-duty assignment or of any Member having been on such assignment. Such examinations shall be at the expense of the Department.

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Prior to returning to full-duty status, Members 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.

1054.4 MAINTENANCE OF CERTIFICATION AND TRAINING

Members assigned to modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided the certification, training, or qualifications are not in conflict with any limitations or restrictions. Members who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training, or qualifications.

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Social Media

1055.1 PURPOSE

The purpose of this policy is to define the process for creating and approving social media accounts related to the Orange County Sheriff's Department, as well as to provide guidelines for branding, content, and administration of those accounts. This policy shall ensure a unified brand in the realm of social media that is consistent with the Orange County Sheriff's Department mission and purpose.

This policy is not intended to interfere with the rights of Members of the Orange County Sheriff's Department to form, join, and participate in the activities of recognized Member organizations of their own choosing for the purpose of representation on all matters of employee-employer relations or to refrain from such activities. It is also not intended to interfere with, restrain, or prevent Member communications regarding wages, hours, or other terms and conditions of employment.

For policy regarding personal social media accounts, refer to Policy 1058.

1055.2 MISSION

The Orange County Sheriff's Department seeks to create a dynamic virtual online community that embodies our core values: integrity without compromise, service above self, professionalism in the performance of duty, and vigilance in safeguarding the community. The Orange County Sheriff's Department welcomes positive engagement that seeks to inform and educate the public.

1055.3 AUTHORIZED AND UNAUTHORIZED SOCIAL MEDIA ACCOUNTS

1055.3.1 PRIMARY ACCOUNTS

A primary social media account refers to any authorized account that posts on behalf of the entire Orange County Sheriff's Department. This is currently limited to accounts representing the entire Department. Primary accounts must be authorized by the Public Affairs and Community Engagement Division (PACE). The PACE Division will create the accounts to ensure branding alignment. The PACE Division must be included as an administrator and provided with account passwords. The PACE Division also reserves the right to determine whether or not a social media account qualifies as primary.

1055.3.2 SECONDARY ACCOUNTS

A secondary social media account refers to any authorized account that does not post on behalf of the entire Orange County Sheriff's Department. This includes any account that may represent groups, individuals, or canines within the OCSD community, but are not regularly administered by the PACE Division. These accounts must adhere to the overall mission of the Department while providing a subgroup community to share content (e.g. Contract city police services of OCSD). Secondary accounts also must be authorized by the PACE Division and follow the guidelines for secondary accounts in order to protect the integrity of the OCSD brand. The PACE Division also reserves the right to determine whether or not a social media account qualifies as secondary. The PACE Division will be the account administrator, will determine and approve additional OCSD

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Members as administrators, and will not be removed as an administrator. The PACE Division will be provided with password information for all secondary accounts, and reserves the right to edit and delete posts, and/or terminate secondary accounts.

1055.3.3 UNAUTHORIZED ACCOUNTS

An unauthorized social media account refers to any account creating content related to OCSD which has not been authorized by the PACE Division to post publicly on behalf of the Orange County Sheriff's Department. Such unauthorized accounts, may include, but do not have to include, actual misrepresentation of OCSD through branding, content, administration, etc. The existence of an unauthorized account may or may not be known to the PACE Division (e.g. Retired OCSD personnel groups, supporters of OCSD, law enforcement watchdog groups, etc.). Anyone who discovers an unauthorized account is encouraged to alert the PACE Division. The PACE Division will work to determine what steps to be taken, if any.

Social media accounts created by recognized Member organizations are not considered unauthorized accounts.

1055.4 CREATING AND APPROVING ACCOUNTS

The PACE Division will set up approved accounts to ensure branding alignment. Once an account is approved, the administrators must meet with the Public Affairs team for a training session. During the training session, the Public Affairs team will provide counseling regarding setting up the account, branding, creating a content calendar, photo guidelines, rules of engagement and more.

If a secondary account currently exists, the Department Member will contact the PACE Division and provide them with the name of the account, a brief history of why it was started, when it was started, what it hopes to accomplish, and the names of administrators and passwords. The PACE Division will review the account and decide if the account needs to be deleted or changed to adhere to this policy.

All accounts will be created and maintained with a PACE Division approved email account. The PACE Division will maintain a list of official primary and secondary accounts, as well as, recommended and approved social media platforms.

1055.5 BRANDING, CONTENT AND ADMINISTRATION GUIDELINES

1055.5.1 GUIDELINES FOR PRIMARY ACCOUNTS

1. Branding: A primary account uses the Orange County Sheriff's Department name in the title and clearly defines itself as an official voice of the Department. Official logos are used to visually identify its connection to the Orange County Sheriff's Department brand (e.g. Primary Facebook account- Orange County Sheriff's Department).
2. Content: Content for primary accounts may only be posted by approved administrators.
3. Administration: A primary account is administrated by the PACE Division or approved individuals.

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1055.5.2 GUIDELINES FOR SECONDARY ACCOUNTS

1. Branding; An authorized secondary account must clearly define itself as a group, Member, canine, or community related to the Orange County Sheriff's Department, without intimating that it represents official views of the Department as a whole. Accounts created and associated with a specific Department Member with the intention of distributing department information on the department's behalf are considered secondary accounts. The OCSD badge/city seal must be used as the profile picture with approval from both the OCSD PACE Division and the City Manager for Contract City accounts and official Department portraits will be used for Member accounts. Administrators of secondary accounts are allowed and encouraged to take advantage of official Department colors and fonts (e.g. Contract city Facebook account- OCSD Laguna Hills Police Services).
2. Content: Postings must adhere to the Department's high standards and be aligned with its mission. Members representing OCSD via authorized secondary accounts must conduct themselves at all times as a representative of OCSD and in accordance with all Departmental policies.
    (a) Photos posted on social media sites shall be from the view of the public's vantage point and not from within the incident scene (e.g. crime scenes, traffic collision scenes, etc.).
    (b) Photos of identifiable juveniles shall not be posted unless the secondary account administrator has received verbal or written approval from the juvenile's legal guardian or school.
        - Photos of juvenile arrestees or critical missing juveniles shall only be posted by the PACE Division
    (c) Photos of identifiable arrestees, including booking photos, shall not be posted unless the PACE Division requests the photos to be posted.
        - If PACE requests a secondary account post booking photos, the photos shall be removed within 14 days unless circumstances in P.C. 13665(a) continue to exist.
    (d) Photos of identifiable residential addresses, license plates, or any other easily identifiable personal information shall not be posted unless approved by the PACE Division.

1055.6 RESPONSE POLICY AND REMOVED CONTENT

Operators of primary and secondary accounts should respond in a timely manner to questions and comments from our social media followers, when appropriate. The tone should be positive, factual and in line with the Department's mission. However, Members should not answer questions if they do not know the answer and they must consult the PACE Division whenever they receive a comment or question that appears inappropriate.

Administrators of secondary accounts shall not remove any content on social media, including posts, comments and/or photos except for booking photos as referenced above. The Orange

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County Sheriff's Department reserves the right to remove content under specific circumstances when approved by the PACE Division and the Constitutional Policing Advisor.

If an account administrator believes social media content, including any posts, comments and/or photos, needs to be removed, they must contact the PACE Division.

Procedure for Removing Content

Once content is deemed by the PACE Division designee and the Constitutional Policing Advisor to be eligible for removal, the PACE Division will document the entirety of the original post and any of the removable content with screen shots. The PACE Division will note the date and time of the removal, and all documentation above and will retain this information for a period of no less than two years. If any questions arise, the PACE Division shall be notified.

1055.7 SOCIAL MEDIA COMMENT POLICY

The following social media comment policy will be displayed to users of all OCSD social media sites or pages or made available by hyperlink:

OCSD'S SOCIAL MEDIA COMMENT POLICY

PLEASE DO NOT REPORT EMERGENCIES OR ASK FOR ASSISTANCE ON SOCIAL MEDIA PAGES. IN AN EMERGENCY, CALL 911.

By posting or commenting on any OCSD social media site/page, you agree to the terms of use of the OCSD's social media comment policy as provided herein.

Comments containing any of the following inappropriate form of content shall not be permitted on OCSD social media sites and are subject to removal and/or restriction by OCSD:

1. Comments not related to the original topic, including random or unintelligible comments.
2. Profane, obscene, or pornographic content and/or language.
3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, age, religion, gender, marital status, national origin, physical or mental disability or sexual orientation.
4. Libelous or defamatory comments.
5. Threats to any person or organization.
6. Conduct in violation of any federal, state or local law.
7. Encouragement of illegal activity.
8. Information that may tend to compromise the safety and security of the public or public systems.
9. Content that violates a legal ownership interest, such as posting copyrighted or trademarked material.

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10. Content that advertises, promotes or offers to trade any goods or services, except in areas specifically designated for such purpose.
11. Content which constitutes harassment and/or facilitates stalking.
12. Content which violates the right to privacy.
13. Encouragement of violence.
14. Repetitive content.
15. Comments which may reasonably interfere with, inhibit or compromise law enforcement investigations, tactics, responses to incidents and/or the safety of law enforcement officers and staff.
16. Posts or comments that are apparent spam.
17. Posts or comments that contain external links.
18. Posts or comments that transmit viruses or other disruptive or destructive files, material or code.

A comment posted by a Member of the public on any OCSD social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by OCSD, nor do such comments necessarily reflect the opinions or policies of OCSD. Further, OCSD does not guarantee or warrant that any information posted by users on this site is correct, and disclaims any liability whatsoever for any loss or damage resulting from reliance on such information.

OCSD reserves the right to deny access to OCSD social media sites for any individual who violates OCSD's social media comment policy at any time and without prior notice.

Comments posted to this site will be monitored and inappropriate content, as defined above, will be removed as soon as possible and without prior notice. Please note that our social media settings will automatically hide a comment if profanity is used within the post.

Users of this site do not retain any rights over their postings. Postings are intended for public view and any information posted constitutes a waiver of any rights to privacy or confidentiality.

1055.8 MEDIA AND SENSITIVE INFORMATION

The Orange County Sheriff's Department primary and secondary social media efforts are focused on utilizing Facebook, Instagram, X, LinkedIn, and Youtube platforms. Any additional platforms that are intended to be used shall be cleared by the PACE Division in advance.

The Department has access to a significant amount of private information, such as records, arrest information, mug shots, and police reports. Such material shall not be released unless approved by the Public Affairs Manager or Public Information Officer (PIO). Divulging private matters, including internal operations or gossip, is strictly prohibited and subject to criminal penalties if released without legal authority.

1055.9 DISCOVERY AND PUBLIC RECORDS ACT

All postings on social media sites are subject to discovery and Public Records Request Acts.

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Any Social Media Post made by a member of the Department that is associated with an OCSD case will be saved in the Field Based Reporting system (FBR) under the appropriate DR.

1. The post will be saved in the Related Case Attachment template and will include the following language:
    (a) The OCSD created a social media post related to this DR. The post can be located via the following URLs:
    (b) If the post has been deleted or cannot be accessed in its entirety, please contact the OCSD Social Media Specialist at publicaffairs@ocsheriff.gov.

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Employee Speech, Expression and Social Networking

1058.1 PURPOSE AND SCOPE

Public employees are public servants and are entrusted with the public trust. Because of this public trust, law enforcement personnel are held to a higher standard of professionalism than private citizens. Law enforcement personnel must work hard to gain the trust and confidence of the community they serve. This policy applies to all members of the Department, including sworn and professional staff, volunteers, contract employees, and Reserve personnel.

This policy is intended to address workplace privacy expectations, and issues associated with the necessary regulation and balancing of Member speech and expression (including social networking and other electronic communication) with the legitimate operational needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon anycommunication, speech, or expression that is protected or privileged under law. This includes speech and expression protected under the Constitution of the United States and the Constitution of the State of California, labor statutes and regulations (e.g., Meyers-Milias-Brown Act), and other applicable laws. For example, this policy does not restrict a Member from engaging in protected labor-speech and activities.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including e-mail, news services, social networking, social media, instant messaging, text messaging, blogs, podcasts, forums, video and other file-sharing sites.

1058.2 POLICY

Public employees, especially deputy sheriffs and Department personnel, occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies, performance, and legitimate operational interests of this Department. 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 Orange County Sheriff-Coroner Department will carefully balance the individual rights of Members against the Department's needs and interests when exercising a reasonable degree of control over its Members' speech and expression.

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1058.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression, particularly when using the Internet and other technology that can be widely disseminated. Speech and expression that negatively affects the safety of Orange County Sheriff's Department Members, such as posting personal information in a public forum, 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, or a Member'sfamily or associates. Examples of this type of information that, depending on the circumstances, could reasonably be expected to compromise Member safety include:

1. Disclosing a photograph and name or address of a Member who is working undercover.
2. Disclosing the home address and other personal contact information (e.g. telephone number or personal email address) of another Member.
3. Publicly disclosing where another Member can be located off-duty.
4. Publicly identifying another Member's family as having a relationship with the law enforcement community.

While such conduct is not expressly prohibited in every circumstance, Members are cautioned to exercise reasonable judgment before providing another Member's personal information to any outside party to the extent such information could threaten or adversely affect the other Member's safety.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Department's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, a Memberspeaking as a private citizen on a matter of public concern, or as an authorized member of a recognized bargaining unit):

1. Speech or expression made pursuant to an official job duty that tends to compromise or damage the mission, function, reputation, professionalism, or the ability of the Orange County Sheriff-Coroner Department or its Members to serve the public. The determination of whether speech is made pursuant to an "official job duty" is made on a case-by-case basis. *Garcetti v. Ceballos*, 547 U.S. 410 (2006).
2. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Orange County Sheriff-Coroner Department and tends to compromise or damage the mission, function, reputation or professionalism of the Orange County Sheriff-Coroner Department or its Members. Examples may include:
    - Statements that indicate disregard for the law or the state or U.S. Constitution.
    - Expression that demonstrates support for criminal activity.
    - Participating in sexually explicit photographs or videos for compensation or distribution.

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3. 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 statements or expressions to a public website that glorify or endorse dishonesty by the Member, endorse unlawful discrimination, express racial bias, or promote illegal behavior may compromise a Member's credibility as a witness.
4. Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the Members of the Orange County Sheriff's Department. For example, a statement on a blog that provides specific details as to how and when a tactical operation will be made could reasonably be foreseen as potentially jeopardizing Members by informing criminals of details that could facilitate an armed response or escape by the target of the operation. Similarly, advising a suspect that s/he is under surveillance could threaten officer safety.
5. Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Orange County Sheriff-Coroner Department.
6. Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department, and not otherwise available to the public, without the express authorization of the Sheriff or the authorized designee, including for financial or personal gain. (Penal Code § 146g.)

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 Member (e.g., social or personal website). In order for the Member to remove such content, reasonable accommodations shall be made as necessary to permit the Member to access his/her personal accounts in a manner that will not compromise the privacy rights of the Member.

1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Members are not restricted from engaging in any political endorsements or social activities as private citizens, or as authorized members of a recognized bargaining unit. While nothing in this policy shall prevent a Member from identifying himself or herself as a member of a law enforcement agency in conjunction with his or her political speech, Members may not represent that their political, social, or other personal views are those of the Orange County Sheriff-Coroner Department. Unless specifically authorized by the Sheriff, Members shall not identify themselves in any way that could be reasonably perceived as speaking on behalf of, or officially representing the Orange County Sheriff's Department in order to do any of the following:

1. Endorse, support, oppose or contradict any political campaign or initiative.
2. Endorse, support, oppose, or contradict any social issue, cause or religion.
3. Endorse, support or oppose any product, service, company or other commercial entity.
4. Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Members retain their right to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of a recognized

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bargaining unit, 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 an election or a nomination for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes. (5 USC § 1502.)

1058.5 PRIVACY EXPECTATION

The Department retains the right to require a Member to divulge social media reasonably believed to be relevant to an investigation of allegations of Member misconduct or Member violation of applicable laws and regulations, provided that the social media information is used solely for purposes of that investigation or a related proceeding.

The Department also retains the right to require a Member to disclose a username, password, or other method for the purpose of accessing an employer-issued electronic device.

The Department will not request or require a Member to disclose his or her username or password for the purpose of accessing personal social media. Also, when unrelated to an investigation or related proceeding, the Department will not request the Member to access personal social media in the presence of the Department. The Department will not discharge, discipline, threaten to discharge or discipline, or otherwise retaliate against a Member solely for not complying with a request to access his or her personal media in the presence of the Department.

Members are cautioned that they should have no expectation of privacy regarding any communication or information accessed, transmitted, reviewed, or received over any technology issued or maintained by the Department, including but not limited to the Department e-mail system, computer network, department-issued cellular phones, laptops, or tablets. The Department reserves the right to access, audit and disclose any such information or communication. This includes records of all key strokes or web-browsing history made at any Department computer or over any Department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if accessed through a Department computer or network.

Members are advised that the content of personal cameras and audio recording devices acquired by a Member while acting in an official capacity at a crime scene, accident, or natural disaster shall be provided to the Department as case evidence in a manner that will not compromise the privacy of other personal or unrelated content maintained on the device. Absent the express authorization of the Sheriff, a Member shall not make available to any member of the public such content provided to the Department as case evidence.

Members should also be aware that even where the Department recognizes a Member's privacy interest, certain communications may nonetheless be legally subject to disclosure. (For example, under the Public Records Act or civil or criminal discovery rules, etc.)

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Facial Coverings

1059.1 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).

Generalized and undifferentiated fear and apprehension about deputy safety shall not be sufficient to justify the use of facial coverings.

This policy also serves as a declaration that the Orange County Sheriff-Coroner Department is committed to transparency, accountability, and public trust. Facial coverings are restricted as set forth in this policy.

1059.1.1 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.

1059.2 FACIAL COVERINGS

Facial coverings shall not be worn by deputies when performing their duties except under the following circumstances:

(a) Active undercover operations or assignments authorized by a supervisor or court order

(b) Tactical operations where protective gear is required for physical safety or facial coverings worn by those assigned as motor deputies or those who utilize Alternative Enforcement Vehicles for occupational health and safety

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(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.

1059.3 POSTING OF POLICY

The Sheriff or the authorized designee shall make this policy publicly available on the department website. Pursuant to Senate Bill 627 (September 20, 2025), the publication of this policy by July 1, 2026, exempts department personnel from the crime of wearing a facial covering under California Penal Code § 185.5.

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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Chapter 11 - Coroner

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Evidence

1100.1 PURPOSE AND SCOPE

This policy serves to establish rules and guidelines pertaining to any evidence collected by members of the Coroner Division in the course of a death investigation.

1100.2 DEFINITION

Evidence, as defined within Policy 1100, is any item that has or may have bearing on the cause, manner, or circumstances surrounding the death, identity of the decedent, or can be used to prove the existence or non-existence of a fact.

(a) Evidence that a Deputy Coroner may commonly take into custody in the course of a death investigation may include, but is not limited to, firearms, other weapons, suicide notes, clothing, ligatures, ante-mortem specimens, prescribed medication, and illicit drugs or related paraphernalia.

1100.3 SEARCH

In the course of a field death investigation, Deputy Coroners shall be responsible for searching for and identifying pertinent evidence.

(a) Deputy Coroners shall conduct a thorough search of the decedent and death location in order to locate pertinent evidence, with consideration to applicable 4th amendment requirements.

1. Deputy Coroners may also be required to search any relevant incident location(s) related to the death in order to locate evidence, with consideration to applicable 4th amendment requirements.

(b) Deputy Coroners shall be responsible for determining the existence of and retrieving any significant ante-mortem specimens from hospitals, laboratories, or other pertinent medical facilities when case circumstances dictate.

1. Ante-mortem specimens may include, but are not limited to, blood, urine, or placenta.

1100.4 PHOTOGRAPHING EVIDENCE

Deputy Coroners shall photograph pertinent evidence in its original location prior to collecting the item. Photographs shall be taken in accordance with Policy 1132 of this manual.

1100.5 COLLECTION

Evidence as defined in 1100.2 shall be collected by Deputy Coroners as part of the death investigation.

1100.5.1 USING THE ORANGE COUNTY CRIME LAB FOR EVIDENCE COLLECTION

Evidence relating to a death where there is potential for criminal charges should be collected by members of the Orange County Crime Lab or the investigating law enforcement agency. If

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members of the Orange County Crime Lab or law enforcement agency are not present or decline to collect evidence, the item(s) shall be collected by the Deputy Coroner.

Deputy Coroners shall request the assistance of the Orange County Crime Lab, or the investigating law enforcement agency's Crime Scene Investigator, for evidence collection on non-criminal cases if he/she is unable to collect the evidence without compromising the integrity of the item.

1100.5.2 COLLECTION OF ILLICIT DRUGS AND MEDICATIONS

Illicit drugs and medications shall be collected by Deputy Coroners if pertinent to identifying the deceased, or determining the circumstances, cause, or manner of death.

(a) If the item is such that it may contain fentanyl or other suspected toxic material/ narcotics, and is packaged or in a closed container, the item shall be collected in accordance with Lexipol Policy 802 – Property and Evidence.

1. Possible fentanyl or other suspected toxic materials/narcotics that are loose or otherwise unpackaged shall only be collected following notification to, and consultation with, a member of the Orange County Clandestine Lab Emergency Action Network (OCCLEAN).

(a) The suspected type of toxic material and case circumstances will determine whether OCCLEAN responds to the scene or authorizes Deputy Coroners to collect the material.

(b) Illicit drugs and medications with no investigative value, but representing a public safety hazard, shall be collected by the law enforcement agency or Deputy Coroner, with preference to the law enforcement agency.

1. Examples of drugs and medications that may constitute a public safety hazard include, but are not limited to, any illicit substance, narcotic medications, or suspected toxic materials.

2. Possible fentanyl or other suspected toxic materials/narcotics shall be treated in accordance with above section 1100.5.2.A.1.a.

(c) Prescription medications with no investigative value and do not pose a public safety hazard need not be collected.

1100.5.3 COLLECTION OF WEAPONS

Weapons shall be collected by Deputy Coroners if pertinent to identifying the decedent or determining the circumstances, cause, or manner of death.

(a) Deputy Coroners shall make every effort to render a weapon safe prior to collection.

1. If the Deputy Coroner is unable to make a weapon safe, the Watch Commander shall be notified and the weapon shall be transported to the Coroner Division

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Facility in the trunk of the vehicle or locked container (i.e. gun case), pursuant to Penal Code Section 25610.

1100.6 PRESERVATION

All evidence shall be preserved in accordance with Policy 802.

1100.7 PACKAGING

All evidence shall be packaged in accordance with Policy 802.

1100.8 CHAIN OF CUSTODY

Once evidence is collected, Deputy Coroners shall retain physical control over the item(s) until all item(s) are booked in an evidence locker. All evidence shall be booked and secured in an authorized locker by the end of shift. Placing items in an employee locker, in a personal vehicle, or other location for temporary storage is strictly prohibited. Under extenuating circumstances, a supervisor may authorize temporary storage in an authorized secure area (example: locked office safe, closet, or file cabinet) if that area is only accessible by the deputy or supervisor. This will maintain chain of custody.

(a) For the purposes of drying prior to packaging, temporary storage of wet or soiled evidence items is permitted only in the designated drying closet or drawers. The item shall be packaged, booked, and secured in an authorized evidence locker as soon as possible once drying is complete.

1100.9 TAGGING AND BOOKING

All evidence shall be tagged and booked at the Coroner Division Facility or approved Department collection site, in accordance with Policy 802.

(a) If fentanyl or other suspected toxic material is collected, the material shall be transported directly to the Brad Gates Building and relinquished only to a member of the Orange County Crime Lab, in lieu of booking at any other Department collection site.

1100.10 DOCUMENTATION

Any evidence collected by Deputy Coroners shall be documented in the Coroner Investigator (CI) Report, and shall include, at a minimum, the following:

(a) The item(s) collected.

(b) The date and time collected.

(c) Location where the item was found.

1100.11 DISPOSITION OF EVIDENCE

Deputy Coroners shall be responsible for determining evidence disposition at the time of case closure or thereafter. Deputy Coroners shall designate the disposition by completing the appropriate "Property Tracking System – Property Disposition Authorization" form and promptly return the form to the Orange County Sheriff's Department Property and Evidence Bureau. If

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Evidence

Deputy Coroners authorizes the release of any evidence item, said release shall be facilitated by the Property and Evidence Bureau only.

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Identification

1101.1 PURPOSE AND SCOPE

Establishing a decedent's identification is a core duty of the Coroner established in Government Code 27491. The purpose of this policy is to provide rules and guidelines to members of the Coroner Division for establishing the identity of a decedent.

1101.2 PROMPT IDENTIFICATION

Accurate identification of a decedent shall be established at the onset of the death investigation or as soon as possible thereafter.

1101.3 METHODS OF IDENTIFICATION

Decedents falling under the jurisdiction of the Coroner Division shall be identified by one of the following means, each of which is explained more fully herein:

(a) Visual identification

(b) Fingerprint search or comparison

(c) Dental comparison

(d) Medical appliance

(e) DNA search or comparison

(f) Circumstantial evidence

1101.4 VISUAL IDENTIFICATION

Establishing the identity of a decedent by visual identification is permissible only when the facial features are not distorted by trauma, decomposition, thermal injury, or other factors that may change his or her appearance. Such visual identification may be performed by:

(a) Source of Information

1. The source of information will preferably be the most immediate relative to the decedent available at the time of the Deputy Coroner's body examination.

2. If an immediate relative is unavailable, the source of information must have had qualified knowledge of the decedent during life.

(a) The responsibility to determine "qualified knowledge" lies with the Deputy Coroner.

(b) When the source of information is a non-immediate relative, the relation to and length of association with the decedent shall be documented in the Deputy Coroner's written report.

3. The source of information must view the decedent's face to confirm identification.

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(a) The viewing shall be performed in person at the death location, or via a clear facial photograph taken by the Deputy Coroner or Coroner Technician and shown to a source of information at the Coroner Division Facility.

1. Deputy Coroners or Coroner Technicians shall make every effort to minimize the appearance of blood, injury, or other facial distortion prior to taking the photograph.

2. The shown photograph shall be approved by the on-duty Watch Commander prior to the source of information's viewing.

4. Visual identification shall not be accepted from a source of information suffering from obvious intoxication, developmental delay, or other condition causing the Deputy Coroner to have reasonable doubt in his/her ability to make an accurate visual identification.

(b) Photograph Identification

1. Identification via photograph comparison is permitted only by using an official government photo.

(a) Authorized government photos include a state driver's license or identification card, passport, immigration, or military identification card.

(b) Using any other photos (example: a minor's school identification card, a college identification card) for photograph identification shall be approved by the on duty Watch Commander.

2. Identification via photograph comparison shall be performed only by the Deputy Coroner performing the body examination.

(a) Deputy Coroners shall not delegate the duty of identifying the deceased via photograph comparison to a law enforcement officer or medical personnel.

(b) A name obtained by law enforcement and/or medical personnel may be accepted as a tentative identification only, and shall be confirmed by the Deputy Coroner via some other method.

(c) Deputy Coroners shall personally examine the deceased and make the comparison to the photo identification. Under no circumstances will a Deputy Coroner rely on photographs of the deceased provided remotely (example: email, text message) by law enforcement or medical personnel as the basis to compare the photo identification.

3. If the Deputy Coroner has any level of uncertainty when performing a visual photograph comparison to establish a decedent's identity, he/she shall treat

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that decedent as an unidentified person until identification is confirmed by other means.

1101.5 FINGERPRINT IDENTIFICATION

All decedents processed at the Coroner Division Facility shall be fingerprinted by one of the following means:

(a) Livescan

1. Livescan shall be the preferred method of fingerprinting whenever possible.

2. Ink print

3. Silicone (Mikrosil) cast

4. Kinderprint

1101.5.1 EXCEPTIONS TO FINGERPRINT IDENTIFICATION

There are few exceptions to the requirement that all decedents processed at the Coroner Division facility shall be fingerprinted. These include:

(a) Bones and specimens

(b) Fetuses

(c) Children under age 7

1. In lieu of fingerprints, footprints shall be taken on all children under age 7.

(d) Decedents with poor fingerprint detail due to trauma, thermal injury, or decomposition.

1. The Coroner Technician processing the decedent may use his/her discretion when evaluating a case for the presence of quality ridge detail.

2. The Coroner Technician shall notify the on-duty Watch Commander if he/she is unable to obtain fingerprints for any reason.

1101.5.2 SUBMISSION TO CAL-ID

All fingerprints shall be submitted to CAL-ID for search or comparison. This submission shall be performed electronically via Livescan whenever possible; however, ink, silicone casts, and kinder prints may be hand delivered to the CAL-ID Bureau, with the proper examination request form, as needed. Refer to Policy 1108 of this manual for further.

1101.6 DENTAL IDENTIFICATION

Dental comparison may be performed on all decedents not identifiable by visual, photograph, or fingerprint identification. Deputy Coroners shall be responsible for locating and retrieving a decedent's antemortem dental x-rays and submitting said dental x-rays to the Coroner Technician. The Coroner Technician or his/her designee shall take postmortem x-rays of the decedent and arrange for dental comparison by the contracted Forensic Odontologist.

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1101.7 MEDICAL APPLIANCE IDENTIFICATION

Identification via medical appliance comparison may be performed on all decedents who possess a serialized medical implant, and are not identifiable by other methods outlined in this policy. Deputy Coroners shall be responsible for locating and retrieving a decedent's ante-mortem x-rays and other medical records, and submitting said records to the Coroner Technician. The Coroner Technician shall take x-rays of the decedent and/or remove the appliance to arrange for comparison by the on-duty Watch Commander. The Watch Commander may enlist the assistance of the contract pathologist as he/she deems necessary.

1101.8 DNA IDENTIFICATION

DNA search or comparison shall be performed on all decedents not identifiable by visual, photograph, fingerprint, or dental identification.

Deputy Coroners shall be responsible for obtaining a familial comparison sample, when available, and submitting the sample along with required paperwork (if applicable) to the Forensic Unit. The Forensic Unit shall be responsible for obtaining sample(s) from the decedent and submitting both specimens for DNA comparison.

The Rapid DNA Machine shall be the preferred method of DNA identification. If results were unsuccessful or negative, then specimens may be submitted to Department of Justice forensic lab or Orange County Crime Lab for further processing.

1101.8.1 RETENTION OF DNA PROFILE, SAMPLES, AND RESULTS

If the results of the DNA test reflect a match and a positive identification is made, the results will be printed and retained in the Coroner case file. DNA profiles obtained from both the familial comparison sample and decedent sample will be deleted from the Rapid DNA machine software. If any part of the familial comparison sample remains after the DNA test is run, the sample shall be discarded.

If the results of the DNA test are not a match, leaving the decedent unidentified, the results will be printed and retained in the Coroner case file. Any profile obtained from the familial comparison sample will be deleted from the Rapid DNA machine software. The DNA profile of the decedent may be retained in the software for the purpose of identifying the decedent in the future. If any part of the familial comparison sample remains after the DNA test is run, the sample shall be discarded.

Except for the sample from the decedent, no DNA samples used for identification of a decedent shall be retained by the Sheriff-Coroner. Under no circumstances will a familial comparison sample be used for any purpose other than identifying a decedent.

1101.9 CIRCUMSTANTIAL IDENTIFICATION

On rare occasions, and when efforts to identify a decedent by other means are either not possible or have yielded inconclusive results, circumstantial identification may be employed. The Coroner Division Commander or his/her designee shall approve any identification made by circumstances alone.

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1101.10 DOCUMENTATION

The following information shall be documented in the CME database once positive identification is complete:

(a) The name of the person performing the identification

(b) The relationship of the identifying party to the decedent

(c) The method used to achieve the identification

(d) The date and time identification was complete

1101.10.1 UNACCEPTABLE IDENTIFICATION METHODS

Deputy Coroners shall not accept a decedent's self-reported name as positive identification, without confirming the name by other acceptable methods as outlined in this policy.

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Property

1102.1 PURPOSE AND SCOPE

California Government Code 27491.3 authorizes the Coroner to take custody and control of any and all personal effects, valuables, and property of the deceased at the scene of death, including real property, and safeguard them until lawful disposition can be made. The purpose of this policy is to establish rules and guidelines pertaining to the collection and safeguarding of personal property and/or real property by members of the Coroner Division. Deputy Coroners shall take custody of, control, and safeguard property of a decedent as outlined herein. This policy is specific to property that is not otherwise evidence relevant to the death investigation.

1102.2 DEFINITION

Property is defined as any item of value on the decedent's person or found at the death location, and may include real property, if it is determined the decedent is the owner of the property.

(a) Property items collected by Deputy Coroners may include, but are not limited to, jewelry items, wallets, cell phones, currency, keys, medical prosthetics, cosmetic devices, purses, tote bags, and occasional bulk items such as luggage, bicycles, or wheelchairs.

(b) Clothing items and internal medical or prosthetic devices are excluded.

1102.3 SEARCH

In the course of a death investigation, Deputy Coroners shall be responsible for searching for and identifying a decedent's property, within the parameters of the 4th amendment.

A. Deputy Coroners shall conduct a thorough search of both the decedent and the death location in order to locate and identify property.

1. All property items discovered on the decedent's person shall be removed and collected.

2. Property items not on the decedent's person shall be collected when:

(a) Property items not on the decedent's person shall be collected when:

(b) The item is in danger of loss or damage and cannot be reasonably secured at the location of death.

3. Perishable items (i.e. food items) may be discarded at the discretion of the Deputy Coroner.

1102.4 COLLECTION

Property items discovered at the death location shall be collected only by a Deputy Coroner, Supervising Deputy Coroner, or Reserve Deputy Coroner. Property items discovered upon intake to the Coroner Division Facility may be collected by the aforementioned personnel, or a Coroner Technician.

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1102.4.1 DIFFICULT REMOVAL OF PROPERTY FROM DECEDENT'S PERSON
When the Deputy Coroner is unable to remove an item of property from the decedent's person, the decedent and/or relevant body part (example: a ring unable to be removed from the finger) shall be sealed in a bag for transport to the Coroner Division Facility. The Deputy Coroner shall notify the intake personnel of the presence of property on the body, who, with the permission of the Deputy Coroner, may open the bag and attempt to collect the item.

1102.4.2 UNINTENDED DAMAGE OF PROPERTY
Deputy Coroners shall make every effort to preserve the decedent's property during the collection process. If any item is unintentionally damaged during collection, the damaged item shall be documented on the Property Inventory Form.

1102.5 INVENTORY

All property collected by Deputy Coroners or other authorized personnel shall be inventoried and itemized using the Coroner Division Property Inventory form. Property inventory shall take place at the death location and in the presence of a third party whose signature shall be requested on the Property Inventory Form under "Witnessed By."

(a) The third party may be a law enforcement officer, nurse or other medical staff, or other reliable witness.

1102.5.1 DIFFICULT INVENTORY, OR INVENTORY IN HAZARDOUS CONDITIONS
When the type or quantity of property items, or hazardous/environmental conditions on scene, create the potential for items to be lost, damaged, or miscounted if inventoried at the death location, all property items may be transported to the Coroner Division Facility for inventory in a controlled environment. The inventory shall be witnessed by the on-duty Watch Commander.

1102.6 TRANSPORTATION OF PROPERTY

At no time will property items be left unsecured by the Deputy Coroner while in transit from the death location to the Coroner Division Facility.

1102.7 PACKAGING OF PROPERTY

Deputy Coroners shall package the decedent's property with the utmost respect and care for the item(s). Deputy Coroners shall ensure that all items are cleaned if soiled, bloodied, or otherwise tainted, prior to packaging. The property item(s) shall be enclosed in a plastic bag or coin envelope, then placed in a brown paper bag. The Property Inventory form shall be attached to the property bag until all property items are released.

1102.8 PROPERTY STORAGE

Packaged property shall be stored in the Investigations property cage at the Coroner Division Facility.

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1102.8.1 STORAGE OF BULK ITEMS
Bulk property items that will not fit into a provided paper bag may be placed on the floor of the property cage with the Property Inventory form attached. Bulk property items that will not fit into the property cage shall be transported directly to the Orange County Sheriff's Department Property and Evidence Bureau and booked for safekeeping.

1102.9 DOCUMENTATION OF STORAGE LOCATION
All property bags placed into or removed from the Investigations property cage at the Coroner Division Facility shall be tracked using the designated property log book.

1102.10 LONG TERM STORAGE
Property items, except U.S. currency, remaining unclaimed at the Coroner Division Facility for a period of 14 days shall be transferred to the Orange County Sheriff's Department Property and Evidence Bureau for safekeeping. U.S. currency remaining unclaimed for a period of 14 days shall be transferred to the Orange County Sheriff's Department Financial Division.

1102.11 RELEASE OF PROPERTY
Property shall be released to the decedent's legal next-of-kin as defined by Health and Safety Code 7100, or any person designated by them in writing.

(a) A decedent's next-of-kin may transfer his/her authority for property to any other party by sending a written authorization to the Coroner Division Facility. This authorization shall clearly state their wish to release property to the new intended recipient, the transferring party's signature, and date.

1102.11.1 RELEASE OF PROPERTY WITHOUT WRITTEN AUTHORIZATION
Property may be released to any of the following parties without written authorization from the decedent's next-of-kin:

(a) The investigating law enforcement agency

(b) The Orange County Public Administrator

(c) Authorized representatives of the armed forces, when the decedent was an active duty military member.

1102.11.2 NEXT-OF-KIN PROPERTY DISPUTE
When there is a known dispute amongst a decedent's next-of-kin concerning the release of property, and it appears, based on the facts known to the Coroner, all parties have equal lawful right to the items, all property shall be held at the Coroner Division Facility and/or Orange County Sheriff's Department Property and Evidence Bureau until a resolution is determined either by a court of law, the Orange County Public Administrator, County Counsel, or the Coroner Division Commander or his/her designee.

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1102.12 PROPERTY COLLECTED AT THE CORONER DIVISION FACILITY

Previously undocumented property that is discovered on the decedent's person at the Coroner Division Facility shall be collected and packaged by the intake personnel. The intake personnel shall then notify the on-duty Watch Commander, and hand-deliver the item to the Investigations Unit or place the item in the Forensic Property Evidence Room. The item shall then be retrieved and processed per protocol by the on-duty Watch Commander or his/her designee.

1102.13 LOSS OF PROPERTY

If any member of the Coroner Division discovers that a property item has been misplaced or lost, the on-duty Watch Commander shall be notified immediately.

1102.14 FOUND PROPERTY

When a Deputy Coroner has discovered property in the decedent's possession that clearly belongs to another party (example: credit cards or driver's license in another's name), that item shall be booked at the Coroner Division Facility, or any other authorized Department collection site, as found property.

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Next-of-Kin

1103.1 PURPOSE AND SCOPE

Notifying a decedent's legal next-of-kin of the death is a core duty of the Coroner set forth by Government Code 27491. This policy serves to establish rules and guidelines for Deputy Coroners in the performance of next-of-kin searches, notifications, and making determinations as to legal status.

1103.2 PROMPT NOTIFICATIONS

Following a positive identification, the Deputy Coroner's efforts to locate and notify a decedent's next-of-kin shall begin immediately.

(a) When investigating the death of an unidentified person where a tentative identification is available, next-of-kin may be notified if they are needed to assist the Deputy Coroner by providing information that may lead to positive identification.

1. Examples include providing the Deputy Coroner with dental x-rays or DNA samples.

2. In these cases the Deputy Coroner shall inform next-of-kin that identification is not yet confirmed.

1103.3 NEXT-OF-KIN SEARCH

When a decedent's next-of-kin is not immediately known, Deputy Coroners shall initiate a search for that next-of-kin using any and all available resources. Deputy Coroners shall document his/her efforts in the Coroner Investigator's written report. When all possible leads have been exhausted and next-of-kin remains unknown, Deputy Coroners shall refer the case to the Orange County Public Administrator.

1103.4 NOTIFICATION APPROACHES

Death notifications shall be performed in-person whenever case circumstances permit. If the apparent next-of-kin resides outside of Orange County jurisdiction, Deputy Coroners shall contact the local law enforcement agency or Coroner/Medical Examiner to request assistance with an in-person death notification. If the Deputy Coroner determines that the need for an expeditious notification outweighs the need for an in-person delivery, or if the in-person notification attempt was unsuccessful, notification may be performed via telephone.

1103.4.1 CONTACTING NEXT-OF-KIN VIA MAIL OR ELECTRONIC COMMUNICATION

Occasionally, both in-person and telephone notification attempts are unsuccessful. In cases where both methods have been attempted, and the Deputy Coroner identifies an opportunity to contact the next-of-kin by mail or electronic communication, the Deputy Coroner may send the Coroner Division's approved message to the intended party, directing him/her to contact the Coroner Division reference the decedent.

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1103.5 IN-PERSON NOTIFICATIONS

Deputy Coroners shall request the assistance of a law enforcement officer or second Deputy Coroner when performing an in-person notification. Deputy Coroners shall also notify the on- duty Coroner Watch Commander and local law enforcement agency dispatch of their location and intent to make a death notification.

1103.6 ESTABLISHING NEXT-OF-KIN STATUS

Following the initial notification to potential next-of-kin, Deputy Coroners shall query their relationship to the decedent in order to establish their legal authority. Kin status shall be decided pursuant to Health and Safety Code section 7100.

(a) A search for next-of-kin must continue until the highest priority surviving relative is located and notified.

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Unidentified Persons

1104.1 PURPOSE AND SCOPE

This policy details the legal mandates and additional requirements of Deputy Coroners and other Coroner Division members when investigating the death of an unidentified person.

1104.2 DEFINITION

An unidentified person is defined as any decedent whose identity is either unknown or has not yet been confirmed in conformity with Policy 1101.

1104.3 TEMPORARY IDENTIFIER

All unidentified males shall be referred to and labeled as "John Doe" until he is positively identified. All unidentified females shall be referred to and labeled as "Jane Doe" until she is positively identified.

1104.3.1 DOE NUMBERS

Each decedent that remains unidentified beyond the assigned Deputy Coroner's end-of-shift, shall also be identified using a sequential log number. This number shall be listed in the CME database as the middle name.

(a) Example: "John #18 Doe"

1104.4 INVESTIGATION

When investigating the death of an unidentified person, Deputy Coroners shall make every effort to conduct a thorough investigation in an attempt to locate any evidence that will assist with identification. This includes but is not limited to:

(a) Searching the decedent's person, residence, vehicle, and any other surrounding area that may contain evidence such as identification cards, medical or dental records, vital documents, address books, letters, etc. This search shall be performed within the parameters of the 4th amendment.

(b) Interviewing witnesses for potential leads as to the decedent's identity.

(c) Follow-up investigation as determined by case circumstances.

1. Examples include contacting local law enforcement agencies for missing persons reports, or canvassing the death location and surrounding area.

1104.5 BODY EXAMINATION

In addition to performing the standard body examination, Deputy Coroners shall search for and document and/or photograph, with a scale, the following:

(a) Gender

(b) Apparent race

(c) Estimated age

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(d) Hair color

(e) Eye color

(f) Glasses

(g) Facial hair

(h) Dentition

(i) Jewelry

(j) Scars

(k) Marks

(l) Tattoos

(m) Amputations

(n) Clothing (Clothing description shall include color, size, and brand of each item)

(o) The location of the remains, with as many specifics as possible

(p) Observations pertinent to the estimation of the time of death

(q) Any other unique or potentially significant detail regarding the decedent's features or appearance.

1104.6 INITIAL FORENSIC PROCESSING

In addition to the standard body intake procedure(s), the Forensic Assistant shall be responsible for the following additional tasks when processing an unidentified person:

(a) Taking both frontal and lateral facial photographs, with scale.

(b) Taking fingerprints and palm prints via Livescan, Kinderprint, and Mikrosil cast.

1. Palm prints may be taken via Livescan and Kinderprint only.

(c) Taking postmortem full body and dental x-rays.

1104.7 DEPARTMENT OF JUSTICE NOTIFICATION

Deputy Coroners shall report the death of any unidentified person to the Department of Justice (DOJ) for entry into the National Crime Information Center database. This notification shall be performed via Teletype transmittal within 10 calendar days from the date the body or remains were discovered.

1104.8 PRESS RELEASE

Within a reasonable amount of time and when case circumstances dictate, Deputy Coroners shall draft a press release including a brief summary of the death circumstances, a description of the unidentified person, and contact information for the Coroner Division Facility. The Deputy Coroner shall submit the draft to the on-duty Watch Commander, who shall in turn finalize and submit to the Department's Public Information Center for dissemination to various media outlets as needed.

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(a) For homicide deaths of unidentified persons, Deputy Coroners shall obtain the approval of the investigating law enforcement agency prior to the dissemination of any press release.

1104.9 ARTIST'S SKETCH

Within a reasonable amount of time and when case circumstances dictate, Deputy Coroners shall contact a Forensic Sketch Artist to arrange for completion of a sketch rendering of the decedent. Deputy Coroners may elicit assistance from the Forensic Assistant to coordinate this process as necessary. Upon completion, the final sketch shall be forwarded to the on-duty Watch Commander for distribution to the Coroner Division website, the Department's Public Information Officer, and other personnel, agencies, or media outlets as needed.

1104.10 DENTAL EXAMINATION

The Forensic Assistant shall contact the contract Forensic Odontologist to arrange for dental examination of the decedent. The Forensic Assistant shall submit any dental x-rays, charting, and other reports to DOJ within 45 calendar days from the date the body or remains were discovered.

1104.11 ANTHROPOLOGY EXAMINATION

When case circumstances dictate, the Forensic Assistant shall contact the contract Forensic Anthropologist for examination of the remains.

1104.12 COLLECTION OF DNA SAMPLES

The Forensic Assistant shall collect DNA samples, including but not limited to tissue, hair, or body fluids, from any unidentified person and submit samples to DOJ within 90 days from the date the body or remains were discovered.

1104.13 FINAL REPORT

If the decedent remains unidentified after all tests and examinations have been completed, Deputy Coroners shall prepare and submit a final report of investigation to DOJ within 180 days from the date the body or remains were discovered.

(a) This report shall include all available test results, examination reports, artist's sketches, and x-rays, along with the appropriate DOJ Unidentified Deceased Reporting Form.

1104.14 FINAL DISPOSITION

If the decedent has yet to be identified 365 days from the date the body or remains were discovered, Deputy Coroners may arrange for final disposition of the remains, with the assistance of Supervising Deputy Coroner in charge of indigent decedents. The Forensic Assistant shall extract the jaws (maxilla and mandilla, with teeth) prior to release of the remains for cremation or burial. Pursuant to Government Code 27521(f), the jaws shall be retained indefinitely, or one year after positive identification is made.

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1104.15 CASE MANAGEMENT – LONG TERM UNIDENTIFIED PERSONS

If the decedent has yet to be identified 365 days from the date the body or remains were discovered, Deputy Coroners may submit the case file to his/her Supervising Deputy Coroner for final review. The Supervising Deputy Coroner will transition the file for long-term maintenance.

1104.16 UPDATES TO DEPARTMENT OF JUSTICE REPORT

If any test or examination described in this policy results in the discovery of new information about the unidentified decedent's description or demographics, Deputy Coroners shall be responsible for informing DOJ by submitting an updated Teletype transmittal.

1104.17 NOTIFICATIONS WHEN AN UNIDENTIFIED PERSON IS IDENTIFIED

If/when an unidentified person is identified, Deputy Coroners shall be responsible for making all appropriate notifications to the decedent's next-of-kin, Coroner Division personnel, local law enforcement agencies, CAL-ID, DOJ, and any other involved or interested entities.

1104.18 DOCUMENTATION OF COMPLETED TASKS

All Coroner Division Facility members shall be responsible for documenting their respective completed tasks via the "Doe Tracking Form" in CME.

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Field Responses

1105.1 PURPOSE AND SCOPE

California Government Code 27491 specifies all deaths requiring an inquiry by the Coroner. California Government Code 27491.2 authorizes, but does not require, the Coroner to render a field response where the death falls within the Coroner's jurisdiction. The purpose of this policy is to establish those deaths where the inquiry shall include a field response by the assigned Deputy Coroner.

1105.1.1 DEFINITION

A field response is defined as an in-person response by Deputy Coroners to the death location, and/or any related incident location, to conduct a death investigation.

(a) All field responses to locations other than the death scene shall be made within the parameters of the 4th amendment.

1105.2 DEATHS REQUIRING A FIELD RESPONSE

The following deaths shall require a field response by the assigned Deputy Coroner:

(a) All known or suspected homicide deaths.

1. If the time from the initial injury to the time of death is significantly delayed, and the law enforcement agency declines to respond to the death location due to lack of forensic value, Deputy Coroners may also waive his/her field response.

(b) All deaths occurring while in the custody of a law enforcement agency.

(c) All deaths when it is known or suspected that a peace officer was involved.

(d) All unnatural deaths occurring outside of medical facilities.

(e) Deaths that occur while in the emergency room under any of the following circumstances:

1. When death is a result of an accident or injury of an acute nature.

2. When an acute drowning is known or suspected as being related to the death.

3. When acute asphyxiation, of a non-natural nature, is known or suspected.

4. When acute drug or ethanol overdose is known or suspected.

5. When the death is known or suspected as resulting from suicide.

(f) Natural deaths that occur outside of medical facilities when any of the following circumstances apply:

1. When the death occurs outside of a private residence or temporary place of residence.

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(a) A temporary residence may include motel rooms, board and care homes, and other similar facilities.

2. When the circumstances surrounding the death do not support a reasonable expectation of sudden death.

3. When the reporting party suspects neglect or reports poor living conditions.

(g) All deaths suspected as being a result of SUIDS.

(h) All deaths that occur at the Fairview State Developmental Care Facility.

(i) All deaths of unidentified persons.

(j) Residential deaths where the decedent was unattended at the time of death.

1. For purposes of this policy, unattended is defined as not having another party present in or about the residence at the time of death.

(k) Any other case under Coroner jurisdiction where the circumstances are such that prudent investigative practice would require any of the following actions by Deputy Coroners:

1. On-scene examination of the body

2. Identification confirmation

3. Evaluation of the scene

4. In-person interview with witnesses

5. Collection of evidence

6. Collection of decedent's personal effects or sealing of the residence

1105.3 EXCEPTIONS TO THE FIELD RESPONSE

Field responses to emergency room deaths as described in section 1104.2.E (emergency room deaths) may be waived at the discretion of the assigned Deputy Coroner when there is no investigative or forensic value to be gained from responding (for example: no law enforcement or witnesses present, no property or evidence to collect) and a body exam will be performed upon the decedent's arrival to the Coroner Division Facility. Field responses to deaths in category 1104.2.J.2 (unattended deaths) may also be waived at the discretion of the assigned Deputy Coroner if the time the decedent was left unattended is minimal, there are no other investigative factors necessitating a response, and there is strong evidence to show that the death is not unexpected (for example: the decedent is under the care of a doctor for significant medical history or chronic illness, and there are no other circumstances to suggest an unnatural death). Any other exceptions to this policy shall be approved by the on-duty Watch Commander and documented in the Coroner Investigator's written report.

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1105.4 RESPONSE TIME

Deputy Coroners shall make every effort to respond to the death location as quickly as possible. Immediate response shall be made to any death on or near railroad tracks causing a delay in rail service, and other deaths in public view.

1105.5 DEATHS REQUIRING THE DEPUTY CORONER TO REMAIN ON SCENE UNTIL REMOVAL OF THE BODY

Deputy Coroners shall remain on scene until body removal when investigating the following deaths:

(a) Deaths that occur while in custody of a law enforcement agency

(b) Deaths that occur at the hands of a peace officer

(c) Deaths resulting from homicide

(d) Deaths in public view

This section does not apply when the decedent is in a hospital setting and being maintained on life support for the purposes of organ procurement.

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Reportable Deaths

1106.1 POLICY

California Government code 27491 establishes the type(s) of deaths requiring an inquiry by the coroner. In accordance with and in addition to this code, Deputy Coroners shall conduct a death investigation to determine the circumstances, cause, and manner of all reported deaths in any of the following categories:

(a) Deaths where the decedent was not under the regular care of a physician.

(b) Deaths where the decedent has not been treated by a physician or registered nurse, who is a member of a hospice interdisciplinary team, within 20 days prior to death.

(c) Deaths where the physician is unable to accurately state the cause of death.

(d) When homicide is known or suspected.

(e) When suicide is known or suspected.

(f) When the death is known or suspected to be in whole or in part the result of an accident or injury, either old or recent.

(g) When the death is known or suspected to be the result of a criminal act.

(h) When the death is associated with a known or alleged rape.

(i) When aspiration, starvation, exposure, drug addiction, acute alcoholism, or traumatic injury is the known or suspected cause.

(j) When the death is known or suspected to be a result of poisoning.

(k) When the death is the known or suspected result of occupational disease or hazards.

(l) When the death is known or suspected to be the result of a contagious disease.

(m) When the death occurred while in the custody of a law enforcement agency.

(n) When the decedent is an unidentified person.

(o) When the decedent is the patient of a state hospital serving the mentally or physically disabled.

(p) When the death is the known or suspected result of Sudden Unexpected Infant Death Syndrome.

(q) Unattended deaths.

1106.2 DEATH CERTIFICATE SIGNATURES

The Coroner Division Commander or his/her designee shall sign the death certificate for all deaths listed in section 1106.1 of this policy, unless investigation determines that the death was of natural causes and the decedent's assigned physician is willing and able to state the cause of death.

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Classification of Death

1107.1 PURPOSE AND SCOPE

It shall be the duty of Deputy Coroners to classify the manner of death after carefully evaluating the cause and known circumstances of death or decedent's history. Manner of death classifications are made with the understanding that Deputy Coroners shall use his/her good judgement, training, experience, and discretion to assess each death on a case-by-case basis. The Sheriff-Coroner and/or his/her designee shall have final authority when classifying the manner of death for investigations with complicated or unusual circumstances.

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Livescan

1108.1 PURPOSE AND SCOPE

As stated in Policy 1101 – Identification, the preferred method of fingerprinting for all decedents received at the Coroner Division Facility is Livescan. This policy establishes the rules and guidelines for use of the Livescan system.

1108.2 INTAKE RESPONSIBILITIES

During intake processing at the Coroner Division Facility, the Forensic Assistant shall:

(a) During intake processing at the Coroner Division Facility, the Forensic Assistant shall:

1. If the decedent has fewer than 10 digits, fingerprints shall be taken of the remaining digits, with specific annotation made in Livescan regarding the missing digits (i.e. deformed, missing, etc.)

2. If the quality of fingerprint detail is compromised due to condition of the remains, the Forensic Assistant may use his/her discretion to take fingerprints via an alternate method as detailed in Policy 1101.

(b) Electronically save and submit the fingerprints to CAL-ID for search.

(c) Print a copy of the completed 10-print card and upload a scanned version to the CME database.

1108.3 RETURN OF LIVESCAN SEARCH RESULTS

The on-duty Watch Commander shall be responsible for reviewing and verifying all returned Livescan results. Results will print to the printer at the Watch Commander's work station, at which time the Watch Commander shall:

(a) Review and verify the four separate returns for possible hits. Returns will include:

1. Orange County Number (OCN or "Local")

2. California Department of Justice (DOJ)

3. Federal Bureau of Investigation (FBI)

4. Department of Homeland Security (DHS)

1108.3.1 POSITIVE LIVESCAN SEARCH RESULTS

If Livescan results return with a positive match, the Watch Commander shall search at least one of the returned record number(s) through CLETS to find the name associated with that record. If it is not possible to find the name via the CLETS database, the Watch Commander shall contact the returning agency directly to obtain the information.

(a) If the name and date of birth associated with the matched record is printed directly on the return by the returning agency, this requirement to verify does not apply.

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(b) For already identified decedents, the Watch Commander shall confirm the identification by ensuring that the name and date of birth printed on the return and/or found via CLETS matches the information input in CME by the Deputy Coroner.

1. The Watch Commander shall also mark the appropriate fields in CME to show that identification was confirmed via Livescan.

(c) For unidentified decedents, the Watch Commander shall update CME to reflect the name and date of birth printed on the return and/or found via CLETS.

1. The Watch Commander shall also update CME to reflect Method of ID as "Livescan."

(d) Upon completion of the identification confirmation, the Watch Commander shall initial and date the paper return(s) and give them to the assigned Deputy Coroner.

1108.3.2 NEGATIVE LIVESCAN RESULTS

If the Livescan return indicates negative search results, the Watch Commander will review the Coroner Investigator (CI) report and/or consult the assigned Deputy Coroner to determine whether a positive return was anticipated based on case history and circumstances.

(a) For already identified decedents:

1. If a positive return was anticipated but Livescan results are negative, the Watch Commander shall or his/her designee shall submit a CAL-ID request for manual comparison to the decedent's DMV record.

2. If a positive return was not anticipated and Livescan results are negative, no further action is required.

(b) For unidentified decedents:

1. If Livescan results are negative, the Watch Commander will document the search results and pursue identification via other means detailed in Policy 1101 – Identification and/or Policy 1105 – Unidentified Persons.

(c) The Watch Commander shall mark the appropriate fields in CME to show that identification was not confirmed via Livescan, then initial and date the paper return(s) before returning them to the assigned Deputy Coroner.

1108.4 LIVESCAN DISCREPANCIES

If a Livescan search returns a result that differs from information previously obtained by the Deputy Coroner, the Watch Commander shall:

(a) Immediately make necessary corrections in CME.

(b) Immediately notify the Assistant Chief Deputy Coroner assigned to Investigations via telephone.

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1108.4.1 SPELLING OR MINOR VARIANCES

If the Livescan discrepancy appears to be only a spelling difference or minor variation, and all other demographic information matches that is entered by the Deputy Coroner into CME, the Watch Commander shall inform the assigned Deputy Coroner of the name variance. The Deputy Coroner shall then compare the name spelling against other available sources to determine spelling accuracy. Changes or updates to CME will be made at the discretion of the Deputy Coroner.

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CME Database

1109.1 PURPOSE AND SCOPE

Documentation and tracking of accurate and complete information is vital to the performance of a thorough death investigation. The Coroner Division Facility accomplishes this tracking via the CME database, which contains a compilation of information input by members of all Division units. This policy establishes general guidelines and requirements for use of this database.

1109.2 GENERAL EXPECTATIONS

All members shall complete their respective sections of CME pages and fields, to document actions taken or information obtained on a given case.All members shall complete their respective sections of CME as soon as practical and prior to case closure. For CME data to qualify as an "official record," entries must be made "at or near the time" of the event referenced in the record. Any entry made into CME shall accurately reflect your actions in relation to the investigation (example: Do not make an entry that property was collected and booked into evidence, until it has actually occurred).

1109.2.1 LATE ENTRIES

Entries may be added following closure of the case for reasons including, but not limited to, specimen disposition, release of property and evidence, report request tracking, or subpoenas. These entries shall be made immediately at the time the action is taken.

1109.3 MINIMUM REQUIREMENTS

For any death requiring Coroner death certification, the assigned Deputy Coroner shall be responsible for completing, at a minimum, the following CME sections prior to the start of autopsy examination and/or Sign Out – No Autopsy (SONA) review:

(a) Possible Manner

(b) Decedent's Name and Date of Birth

(c) Date and Time of Death

(d) Identified By and Identification Method

(e) Marital Status

(f) Autopsy Code

(g) Billing Code

(h) Next-of-Kin Name and Contact Information

(i) Location of Death

(j) Injury Date, Time, Location and Description (when applicable)

(k) Detailed Circumstances

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(l) Property Collected

(m) Any Follow-Up Requests

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Suicide Notes

1110.1 PURPOSE AND SCOPE

Pursuant to Government Code 27464, suicide notes are commonly collected by Deputy Coroners as a supplement to the death investigation. This policy establishes guidelines for the collection, processing, and release of such notes.

1110.2 COLLECTION AND RETENTION

All suicide notes apparently written by the deceased, which may tend to indicate an intention by the writer to take the writer's life, shall be collected and booked as evidence in accordance with Coroner Division Policy 1100.

1110.2.1 COLLECTION OF HOLOGRAPHIC WILLS

Suicide notes that are testamentary in nature, giving directions for disposition of property or disposal of remains, shall be considered a holographic will and filed with the Superior Court of Orange County – Probate in lieu of being booked as evidence (a copy shall be retained in the Coroner file as noted below).

(a) If the holographic will is potentially evidence of a crime, the evidentiary processing of the original document shall take precedence over filing with the Superior Court of Orange County – Probate.

(b) If the holographic will is accompanied by a small property item (example: keys, currency), Deputy Coroners shall book that property item for safekeeping until such time as the probate process is completed and lawful disposition is made.

1110.3 COPIES OF NOTES

Prior to booking of suicide notes, Deputy Coroners shall make a copy of the original document to be retained in the case file. Additional copies of suicide notes may be released to the decedent's legal next-of-kin or the note's addressee, at any point in the investigation, at the discretion of the Deputy Coroner.

1110.4 DISPOSITION

Following case closure, disposition of original notes and documents shall be facilitated through the Orange County Sheriff's Department Property/Evidence Bureau. The assigned Deputy Coroner may authorize release of the note or document to either the decedent's next-of-kin or the note's addressee.

(a) If there are multiple suicide notes or multiple addressees on a single suicide note, Deputy Coroners may authorize release of the note to the legal next-of-kin entitled to property, once this has been determined. At the discretion of the Deputy Coroner, the note may be released to the addressee instead of the legal next-of-kin, if the addressee's identity and location may be determined without significant investigation.

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Contagious Diseases

1111.1 PURPOSE AND SCOPE

California Government Code 27491 mandates that the Coroner shall inquire into deaths known or suspected as due to a contagious disease and constituting a public health hazard. This policy details those specific contagious diseases requiring investigation and/or reporting by members of the Coroner Division pursuant to the County of Orange Health Care Agency's list of Reportable Diseases and Conditions.

1111.2 LIST OF REPORTABLE DISEASES AND CONDITIONS

Deputy Coroners shall conduct an investigation on all deaths with history of any disease and/ or condition listed on the County of Orange Health Care Agency's list of Reportable Diseases and Conditions. The list can be accessed through their website.

1111.3 REPORTING REQUIREMENTS

Any reportable disease or condition diagnosed by examination or testing performed or requested by the Coroner Division Facility, shall be reported to the Orange County Health Care Agency within the timeframe established on the above list. The Clerical Office Supervisor and/or his/her designee shall be responsible for making report by sending the appropriate documents to the Orange County Health Care Agency.

1111.4 NOTIFICATIONS TO FORENSICS STAFF AND MORTUARY REPRESENTATIVES

For any decedent transported to the Coroner Division Facility, Deputy Coroners shall alert Forensics staff when there is a known or suspected contagious disease. The Coroner Technician shall then notify the mortuary representative of any known or suspected contagious disease upon release, pursuant to Health and Safety Code 1797.189.

1111.5 INQUIRIES FROM PUBLIC

Information regarding a decedent's contagious disease may be released to members of the public only when the contagious disease is listed as a cause or significant condition on the death certificate.

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Outside Agency Death Notifications

1112.1 PURPOSE AND SCOPE

The Coroner Division will occasionally assist outside agencies by performing in-person death notifications on their behalf. This policy provides instruction for Deputy Coroners receiving the death notification request.

1112.2 REQUIRED INFORMATION

Outside agencies may submit their request for a death notification via telephone call directly to the Coroner Investigations Unit. Upon receiving the request, Deputy Coroners shall obtain the following information, recorded via the "New Case – Death Notification" page in CME:

(a) Requesting Party's name, agency, contact number, and case number

(b) Decedent's Name, date of birth, and date of death

(c) The method of identification

1. The responsibility for making positive identification lies with the agency having jurisdiction of the death.

(d) Brief circumstances of death

(e) Name, relationship to decedent, address, and phone for the person to be notified

1112.3 CASE NUMBER PREFIX

After obtaining all required information, Deputy Coroners shall generate a Death Notification case number, designated with the prefix "DN."

(a) Example: DN18-00010

1112.4 PERFORMING THE DEATH NOTIFICATION

The outside agency death notification shall be performed at the discretion of the on-duty Watch Commander, taking into consideration the circumstances of the death and current Coroner Division caseload and staffing. Any death notification performed on the behalf of an outside agency shall be performed in accordance with Policy Section 1103.4 of this manual.

1112.5 INFORMING OUTSIDE AGENCY OF OUTCOME

Deputy Coroners performing the outside agency death notification shall be responsible for communicating results of that notification attempt back to the requesting party. If next-of-kin notification was successful, Deputy Coroners shall provide the requesting party with a name, address, and contact telephone number.

1112.6 DEATH NOTIFICATION REPORT

Deputy Coroners shall complete the remaining applicable CME fields under the Death Notification case number and submit a finalized report to the on-duty Watch Commander for review and closure.

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Autopsy Attendance

1114.1 PURPOSE AND SCOPE

The Coroner Division regularly receives requests from outside parties seeking to attend an autopsy examination. This policy establishes guidelines for evaluating and approving such requests.

1114.2 REQUESTS FROM LAW ENFORCEMENT PERSONNEL

When requests to attend an autopsy are received from law enforcement personnel with an investigative interest in the death, the requests shall be granted by the Deputy Coroner without need for other approval. The Deputy Coroner shall inform the Forensics staff of the request by indicating it on the Facility History form. The Senior Forensic Assistant shall be responsible for facilitating the request by contacting the interested party or agency to inform them of the scheduled autopsy time.

(a) When requests to attend an autopsy are received from law enforcement personnel with no investigative interest in the death, the request shall be forwarded to the Coroner Division Commander for review and approval.

1114.3 REQUESTS FROM NON-LAW ENFORCEMENT PERSONNEL

When requests to attend an autopsy are received from members of the public or other non-law enforcement personnel, the member receiving the request shall instruct the requestor to submit a request in writing to the Coroner Division Commander. The Coroner Division Commander will review and approve or deny the request.

1114.3.1 APPROVED REQUESTS FROM NON-LAW ENFORCEMENT PERSONNEL

Any autopsy attendance request from members of the public or other non-law enforcement personnel that is approved by the Coroner Division Commander shall be assigned to the Senior Forensic Assistant for coordination and scheduling.

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Private Autopsy

1115.1 PURPOSE AND SCOPE

Pursuant to Government Code 27520, the Coroner Division Facility shall perform a private autopsy when requested in writing by the decedent's next-of-kin. This policy establishes rules and guidelines for the processing and approval of requests for private autopsy examination.

1115.2 REQUEST PROCESS

All requests for a private autopsy examination shall be made in writing by the requestor and submitted to the on-duty Coroner Watch Commander. The Watch Commander shall determine whether the requestor has the legal authority to make the request.

(a) Government Code 27520 mandates:

1. The request shall be made by the decedent's surviving spouse.

2. If there is no surviving spouse, the request shall be made by the decedent's surviving child or parent.

3. If there is no surviving child or parent, the request shall be made by the decedent's legal next-of-kin.

If there is no surviving spouse, child, or parent, legal next-of-kin shall be determined in accordance with Health and Safety Code section 7100. If there is a dispute between next-of-kin with equal legal authority regarding performance of an autopsy, the Watch Commander shall forward the request to the Coroner Division Commander, or his/her designee, for review.

1115.3 REVIEW OF REQUEST

The Watch Commander shall review the content of the request to determine whether case history or circumstances would cause the death to fall under Coroner jurisdiction. If the death does fall under Coroner jurisdiction and would require a postmortem examination pursuant to Division policy, the Watch Commander shall arrange for the examination at no cost to the requestor. If the death does not fall under Coroner jurisdiction, the Watch Commander shall arrange for the decedent to be transported to the Coroner Division Facility for private autopsy.

1115.4 FEES

The cost of the autopsy, additional testing, and any other related expenses shall be paid in full by the requestor, prior to transport of the decedent or start of autopsy examination. The fees shall be determined by the Orange County Sheriff's Department – Financial and Administrative Services Division.

1115.5 DOCUMENTATION

All cases approved for private autopsy examination shall be recorded in the CME database. The assigned Deputy Coroner shall create a new Coroner case and complete all applicable CME data fields, with the option of "Private Autopsy" entered in the fields titled "Possible Manner" and "Final

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Manner." The field titled "Autopsy Code" shall be marked "Private." The assigned Deputy Coroner shall also prepare a Coroner Investigator report in accordance with Division policy and procedure.

1115.6 DEATH CERTIFICATE

Upon receipt of a request for private autopsy, the Watch Commander shall determine whether there is a primary physician willing and able to state a natural cause of death.

(a) The death certificate must be attested by the primary physician prior to commencement of a private autopsy.

1115.7 AUTOPSY PROCEDURES AND SAMPLE RETENTION

All decedents approved for private autopsy shall be transported, examined, and released by the Coroner Division in accordance with standard operating procedures. All tissues and specimens collected during the autopsy shall be retained and discarded in accordance with Coroner Division policy.

1115.7.1 ADDITIONAL TESTING

Following the initial autopsy examination, the Watch Commander shall consult with the pathologist in order to determine whether additional testing is required in order to determine the cause and manner of death.

(a) Additional testing may include a toxicology screen, microscopic examination, or neuropathological examination.

1115.8 CAUSE OF DEATH AND DEATH CERTIFICATE AMENDMENTS

If, at the conclusion of the autopsy and after all additional testing is completed, the Coroner pathologist determines the cause of death to be markedly different than the cause(s) of death previously attested by the primary physician, the Coroner may elect to amend the death certificate to reflect the updated cause of death.

If, at the conclusion of the autopsy and after all additional testing is completed, the Coroner pathologist determines the cause of death to be similar to that previously attested by the primary physician (i.e. natural causes), the death certificate shall remain unchanged.

1115.9 CORONER RECORDS

All Coroner records pertaining to private autopsy examinations shall be managed and released in accordance with Coroner Division policy.

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Religious Objection to Autopsy

1116.1 PURPOSE AND SCOPE

California Government Code section 27491.43 mandates that a Coroner shall not perform an autopsy or other procedure in any case in which the Coroner has received a certificate of religious belief executed by the decedent. This policy outlines the other legal requirements of the Coroner and processes of the Coroner Division when notified of the existence of, or presented with a copy of, a certificate of religious belief.

1116.2 INITIAL NOTIFICATION

When a decedent's friend or family member notifies any member of the Coroner Division of a potential religious objection to autopsy, the member shall immediately notify the on-duty Coroner Watch Commander. In accordance with Government Code 27491.43(a2), the Watch Commander shall not order an autopsy for a minimum of 48 hours or until the certificate is produced. The Watch Commander shall advise the reporting party that an autopsy will commence in 48 hours if no valid certificate is produced.

(a) The field marked "Autopsy Code" shall be marked as "Hold Post" for the duration of the 48 hour hold.

(b) In the event that the autopsy or other procedure has already commenced at the time of initial notification, the Watch Commander shall ensure that all procedures are stopped immediately.

1116.3 CERTIFICATE REQUIREMENTS

If the decedent's friend or family member produces a certificate of religious objection, the certificate shall be given directly to the on-duty Watch Commander who shall review and determine the certificate's validity. If the certificate is deemed valid, postmortem examination shall not be performed and the death certificate shall be signed in accordance with section 1116.7 of this policy.Per Government Code 27491.43(b), the certificate shall meet the following criteria in order to be considered valid:

(a) Be executed by the decedent at age 18 or older.

(b) Use clear and unambiguous language to state that any postmortem examination would violate his/her religious convictions.

(c) Be signed and dated by the decedent.

(d) Be signed by two witnesses.

1. Each witness must include his/her residence address.

If, at any point, the Watch Commander has concerns regarding the validity of the certificate, the certificate shall be forwarded to the Assistant Chief Deputy Coroner assigned to Investigations.

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1116.4 BODY EXAMINATION

In all cases where an autopsy is not performed based on the presence of a valid certificate of religious objection, the decedent shall be examined by a Deputy Coroner. The examination may take place at the Coroner Division Facility, unless other case circumstances require a field response in accordance with Coroner Division Policy 1104.

1116.5 COURT PETITION

Pursuant to Government Code 27491.43(b), if a valid certificate of religious belief is produced but the cause of death is not evident and it is in the public interest to determine the cause of death, the Sheriff-Coroner or his/her designee may petition the court for an order authorizing autopsy or an order setting aside the certificate as invalid. Notice of the proceeding shall be given to the person who produced the certificate.

1116.6 AUTHORITY TO SUPERSEDE RELIGIOUS OBJECTION

Even with a valid certificate of religious objection, California Government Code section 27491.43(c) authorizes the Coroner for perform postmortem examinations in any case where there is reasonable suspicion that the death was caused by a criminal act, or contagious disease constituting a public health hazard.

(a) In this instance, and with the approval of the Sheriff-Coroner, the court need not be petitioned.

1116.7 DEATH CERTIFICATE

Death certificates for any case not autopsied on the basis of a religious objection shall be signed with the manner of "Natural" or "Undetermined," based on known case circumstances. The injury description shall read "Religious Objection to Autopsy," and the primary cause of death shall read as follows:

(a) Undetermined

(b) Religious Objection to Autopsy

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Autopsy Consideration

1117.1 PURPOSE AND SCOPE

As a component of the medicolegal death investigation, decedents transported to the Coroner Division Facility may undergo a postmortem examination (complete autopsy, partial examination, or external examination) in order to establish the cause of death. This policy provides rules and guidelines to assist with the evaluation of each case in order to determine the degree of examination(s) warranted.

1117.2 PRELIMINARY BODY EXAMINATION BY DEPUTY CORONER

All decedents scheduled for postmortem examination at the Coroner Division Facility shall first be examined by a Deputy Coroner. Examination may take place either at the death location or at the Coroner Division Facility.

1117.3 REVIEW PROCESS

The on-duty Watch Commander shall review the Deputy Coroner's case report and carefully assess the case history and circumstances. Following case review, the Watch Commander shall determine which level of autopsy is most appropriate. In the event of a disagreement between the Watch Commander and Coroner pathologist, the final decision shall be made by the Coroner Division Commander or his/her designee.

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Transportation, Body Removal, and Recovery of Parts

1118.1 PURPOSE AND SCOPE

As a component of the medicolegal death investigation, Deputy Coroners may determine that a decedent requires transportation to the Coroner Division Facility for further investigation and/or examination by a Coroner pathologist. This policy establishes requirements of Deputy Coroners when arranging for the transportation of a decedent or partial human remains.

1118.2 TRANSPORTATION

All decedents received by the Coroner Division Facility shall be transported by the contract mortuary transportation service.

1118.3 PARTIAL REMAINS

In the event of body dismemberment, Deputy Coroners shall make every effort to recover all body parts from the incident or death location.

(a) If any portion of a body cannot be located, Deputy Coroners shall immediately notify the on-duty Watch Commander and call for additional resources as needed to assist with a search of the scene.

1118.4 BIOLOGICAL EVIDENCE

Biological evidence, including body parts, may be transported in the trunk of the Deputy Coroner's vehicle, so long as he/she can properly secure the item in an appropriate spill proof container.

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Reporting of Carcinoma

1119.1 PURPOSE AND SCOPE

California Health and Safety Code 103885 mandates the Coroner to report the existence of any carcinoma, of which he/she has actual knowledge. In accordance with this code section, this policy establishes guidelines for reporting when cancer is discovered at autopsy.

1119.2 DEATH CERTIFICATE REPORTING

When the existence of cancer is discovered during autopsy, and it is not the immediate or underlying cause of death, the cancer shall be reported on the death certificate in the section titled "Other Significant Conditions." If the cancer is not discovered at autopsy, but instead reported only by a clinical source and is not the immediate or underlying cause of death, it is not necessary to report on the death certificate.

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Coroner Investigation (CI) Reports

1120.1 PURPOSE AND SCOPE

As a component of the death investigation, Deputy Coroners shall prepare a written Coroner Investigator (CI) report to document facts, findings, and actions taken on a given case. This policy serves to establish rules and guidelines for the creation, content, and completion of the CI report.

1120.2 CASES REQUIRING A CI REPORT

A CI report shall be prepared for any death requiring Coroner death certificate signature pursuant to Government Code 27491. A CI report shall also be required for any death requiring a field response pursuant to Coroner Division policy, or significant level of investigation by the Deputy Coroner to determine jurisdiction and/or case disposition.

1120.3 AUTHORSHIP

The CI report shall be created, authored, and edited only by the case's assigned Deputy Coroner.

1120.4 REPORT WRITER'S RESPONSIBILITIES

At a minimum, the Deputy Coroner's CI report shall address the following areas if applicable to the specific case:

(a) Statement provided by the party reporting the death

(b) Body examination

(c) Death scene observations

(d) Witness/informant statements

1. Medical and social histories shall be addressed

(e) Identification

(f) Next-of-kin notification

(g) Criminal history

(h) Property and evidence collected

(i) Disposition of the body

(j) Disposition of the decedent's residence, vehicle, pets, or other bulk property items not collected by the Deputy Coroner

(k) Any other relevant statement, action, or observation significant to the death investigation

1120.4.1 PROMPT REPORT COMPLETION

Deputy Coroners shall prepare all reports received during the assigned shift for supervisory approval prior to the end of such assigned shift. If the Deputy Coroner is unable to complete the CI report due to high call volume or other circumstances, the Deputy Coroner shall at a minimum

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prepare a briefing summary that addresses all required content outlined in section 1120.4 of this policy; this summary shall be completed prior to the end of shift. The final CI report shall be completed and submitted to the assigned Supervising Deputy Coroner for approval within 10 working days from the date the report of death is received.

1120.4.2 REPORT SPELLING, GRAMMAR, AND CONTENT
Prior to submission for approval, Deputy Coroners shall review each report for spelling, grammar, content inaccuracies, and make corrections when necessary. Obscure abbreviations and other shorthand shall not be used in the CI report.

1120.5 SUPERVISOR RESPONSIBILITIES

The Supervising Deputy Coroner shall thoroughly review all submitted reports for completeness and accuracy prior to approval, and require additional information or corrections when necessary. Reports containing obvious spelling and grammatical errors shall be returned to the assigned Deputy Coroner for correction.

1120.6 SUPPLEMENTAL REPORTS

Any member, other than the assigned Deputy Coroner, who ascertains new information or takes an action related to the case shall document it by making an entry in the CME database, on the page titled "Supplemental Case Notes." Pertinent supplemental entries shall be summarized in the body of the CI report by the assigned Deputy Coroner.

The assigned Deputy Coroner may make supplemental entries on his/her own case to document actions taken, lengthy searches, or other information that is necessary to document but not significant to the death investigation. Examples include but are not limited to: requesting medical or police records, leaving voicemails, or coordinating a multi-agency response to a death scene.

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Child Deaths

1121.1 PURPOSE AND SCOPE

Child deaths are inherently sensitive in nature and therefore must be investigated with the utmost care and diligence. For this reason, this policy serves to establish the additional requirements of Deputy Coroners when investigating the death of a child.

(a) Definition: "Child" is defined as any decedent under the age of 18.

1121.2 RECORDS CHECKS

Deputy Coroners shall search criminal records of any adult(s) residing in the decedent's residence, or responsible for the care of the decedent, at the time of his/her death. Records searches shall include, at a minimum:

(a) Prior local and state arrests via the California Law Enforcement Telecommunication System (CLETS)

(b) Prior reports of child abuse via the Child Abuse Registry (CAR)

1121.3 MANDATED REPORTER

Per Penal Code 11165.7, the Coroner is a mandated reporter responsible for reporting suspected child abuse. As such, Deputy Coroners shall make a report of any child whom he/she knows, or reasonably suspects has been the victim of child abuse or neglect.

(a) Deputy Coroners shall make the initial report to the Child Abuse Registry immediately, or as soon as practically possible, by telephone.

(b) Deputy Coroners shall also prepare and send a written follow-up thereof within 36 hours of receiving the information concerning the incident.

1121.4 SUDDEN UNEXPECTED INFANT DEATH SYNDROME (SUIDS) - NOTIFICATIONS

Deputy Coroners shall report any death suspected to be a result of Sudden or Unexpected Infant Death Syndrome (SUIDS) to the Orange County Public Health Nurse, by completing and sending the "SUIDS Notification Form" to the designated representative via email.

1121.5 SCHOOL NOTIFICATIONS

Deputy Coroners shall report the death of any school age child to the Department of Education, by completing and sending the "School Fatality Notification Form" to the designated representative via email.

(a) "School age child" is defined as any decedent ages 5-18.

1121.6 DOCUMENTATION

Deputy Coroners shall document completion of all requirements outlined in this policy in CME on the page titled "Child Death." Additionally, Deputy Coroners shall complete all remaining sections of the "Child Death" page, when applicable to circumstances of the death.

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1121.7 CHILD DEATHS INVOLVING A FIREARM

Deputy Coroners investigating any firearm related death of a child in the jurisdiction of the Orange County Sheriff's Department shall:

(a) Notify the Orange County Crime Lab and request a forensic photographer's presence at both the death location and autopsy examination.

(b) Notify Orange County Sheriff's Department – Homicide Detail of the death.

1. If the Homicide Detail declines to investigate the case, the Deputy Coroner may proceed with his/her death investigation in accordance with Division policy and procedure.

(c) All notifications shall be clearly documented in the Coroner Investigator (CI) report.

(d) If the death occurs outside of the jurisdiction of the Orange County Sheriff's Department, this policy section does not apply.

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Indigent and Unclaimed Remains

1122.1 PURPOSE AND SCOPE

Health and Safety Code Section 7104 permits the Coroner to inter remains in cases where the decedent has insufficient assets and next-of-kin is either unable to be located or fails to perform his/her duty of interment. This policy establishes rules and guidelines for the handling of indigent and unclaimed remains held at the Coroner Division Facility.

1122.2 RESPONSIBILITY FOR DISPOSITION OF INDIGENT AND UNCLAIMED REMAINS

The person responsible for facilitating disposition of indigent and unclaimed remains under the jurisdiction of the Coroner Division shall be the Supervising Deputy Coroner assigned to indigent bodies.

1122.3 UNCLAIMED REMAINS

For any death where the decedent's next-of-kin with the right to control disposition and arrange for funeral goods and services has been successfully located and notified of the death, but fails to act, or fails to delegate his or her authority to act to some other person, disposition shall be made as follows:

(a) When the decedent is not in possession of the Coroner Division, the next-of-kin in control of remains shall be allowed seven (7) days, or ten (10) days if said person is the competent surviving spouse, to arrange for disposition before his/her rights are passed to the person(s) with next degree of kinship.

1. If all known next-of-kin fails to arrange for disposition of the remains, the Supervising Deputy Coroner shall refer the case to the Public Administrator for evaluation of the decedent's estate.

(a) If the decedent is found to have sufficient assets, the Public Administrator will arrange for final disposition of the remains.

(b) If the decedent is found to have insufficient assets, the Supervising Deputy Coroner shall arrange for final disposition of the remains.

(b) When the decedent is in the possession of the Coroner Division, the next-of-kin in control of remains shall be allowed thirty (30) days to arrange for disposition of the remains before his/her rights may be passed to the person(s) with next degree of kinship.

1. If all known next-of-kin fails to arrange for disposition of the remains, the Supervising Deputy Coroner shall refer the case to the Public Administrator for evaluation of the decedent's estate.

(a) If the decedent is found to have sufficient assets, the Public Administrator will arrange for final disposition of the remains.

(b) If the decedent is found to have insufficient assets, the Supervising Deputy Coroner shall arrange for final disposition of the remains.

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1122.4 INDIGENT REMAINS

Any death not under the jurisdiction of the Coroner, but found by the Public Administrator to have no known next-of-kin and insufficient assets for final disposition of remains, may be referred to the Coroner Division by the Public Administrator. In such instances, the Supervising Deputy Coroner shall accept the case, and perform a diligent search for next-of-kin. If none are located, the Supervising Deputy Coroner shall arrange for final disposition of the remains.

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Foreign National Deaths

1123.1 PURPOSE AND SCOPE

Article 37(a) of the Vienna Convention of Consular Relations requires authorities to inform the respective consular post of any death of a foreign national of the sending State. This policy establishes the requirement of Coroner Division members to make the proper notification.

1123.2 POLICY

All deaths of foreign nationals shall be reported to their respective consulates as soon as practical. The on-duty Watch Commander, or his/her designee, shall be responsible for ensuring that proper notification has been made. The preferred method of notification shall be via facsimile of the Coroner Division "Foreign National Death" form.

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Gender Identity

1124.1 PURPOSE AND SCOPE

Health and Safety Code 102875 mandates that, in all cases requiring death certification by the coroner, the person completing the certificate shall record the decedent's sex to reflect the decedent's gender identity. This policy provides rules and guidelines for establishing a decedent's gender identity.

Department Members are also required to comply with Lexipol Policy 375 (Transgender Policy).

1124.2 DETERMINING GENDER

The Deputy Coroner and/or Supervising Deputy Coroner shall determine gender identity based upon the following:

(a) Observation of the sex organs and/or general presentation/appearance of the decedent.

(b) As reported by the informant

1. If the gender reported by the informant differs from that decided by the Deputy Coroner based on his/her own observations, the gender reported by the informant shall take precedence.

(a) Example: If the Deputy Coroner's observations lead him/her to conclude that a decedent is male, however an informant reports that the decedent is female, that decedent shall be listed as female.

1124.3 GENDER DISPUTES

If the Deputy Coroner and/or Supervising Deputy Coroner is notified of a dispute regarding the decedent's gender identity, the person disputing the gender shall be asked to produce any of the following documents to prove the legal gender at the time of the decedent's death. If such document is produced, the person completing the certificate shall record the decedent's sex which corresponds to the decedent's gender identity as indicated in that document. Acceptable documentation includes:

1. Birth certificate
2. Driver's license
3. Social security record
4. Court order approving a name or gender change
5. Passport
6. An advanced health care directive
7. Proof of clinical treatment for gender transition

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If none of these documents are presented, and the person, or majority of persons, with the right to control the remains pursuant to Health and Safety Code section 7100 is in disagreement with the gender identity reported by the informant, the gender identity shall be as reported by that person or majority of persons.

1124.4 DOCUMENTATION

If determination of the decedent's gender, in accordance with guidelines established with this policy, results in the gender identity differing from that suggested by presentation of the sex organs, an explanation of the gender change shall be documented in the Coroner Investigator (CI) report.

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Medical Records

1126.1 PURPOSE AND SCOPE

As a component of the death investigation, it is often necessary to evaluate a decedent's medical and/or psychological records from physicians or medical facilities where a decedent was treated prior to death. California Civil Code section 56.10(b)8 provides the Coroner with legal authority to obtain such medical information.This policy establishes rules and guidelines for the review and handling of a decedent's confidential medical records.

1126.2 AUTHORITY TO REQUEST RECORDS

A copy of the decedent's medical and/or psychological records may be requested from the health care provider(s) at the discretion of the handling Deputy Coroner, or upon request by a Supervising Deputy Coroner, member of Coroner Division management, or the contract pathologist.

1126.3 OBTAINING RECORDS

Medical and/or psychological records shall be obtained in the following manner:

(a) Written request, using the appropriate Coroner Division medical records request form.

1. Written request shall be the preferred method of obtaining records.

(b) Written consent from the decedent's next-of-kin in control of the remains.

(c) Subpoena

1. Issuance of a subpoena for medical or psychological records shall be approved by the Coroner Division Commander.

1126.4 CONFIDENTIALITY

Medical and psychological records obtained by any member of the Coroner Division shall be treated as confidential and may not be reproduced or made available to any person other than as provided for in Government Code section 27491.1 or Civil Code section 56.13.

1126.5 SUMMARIZATION

Any information obtained from a decedent's medical or psychological records that is used to assist in the establishment of identification, cause or manner of death, or notification of next-of-kin, shall be summarized by the Deputy Coroner in the Coroner Investigator (CI) report.

1126.6 DISCARDING RECORDS

All copies of medical and psychological records, including digital copies, shall be discarded by the Supervising Deputy Coroner at the time of case closure.

(a) Any medical or psychological records with evidentiary value are exempt from discard, and instead shall be booked as evidence in accordance with Coroner Division Policy 1100.

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Records Release

1131.1 PURPOSE AND SCOPE

Pursuant to the California Public Records Act (CRPA, Government Code section 6250 et seq.) members of the public, including news media representatives, may request copies of Coroner records reference death investigations and are entitled to such records unless an exemption applies under the law. This policy establishes rules and guidelines for receiving and processing requests for Coroner records. Any request for records from a member of the public should be treated as a request made under the CPRA and should be processed in accordance with this policy.

1131.2 RESPONSIBILITY FOR RECORDS

All routine requests for Coroner records shall be directed to the Clerical staff in order to maintain proper processing and tracking.

1131.3 REQUEST METHODS

Members of the public may request reports orally or in writing. No particular form must be completed and the request may be made informally.

1131.4 RECORDS TO BE RELEASED

Members of the public requesting Coroner records may receive copies of the following with appropriate redactions and claims of exemptions asserted as allowed by the law:

(a) Autopsy Report, including any additional lab reports such as:

1. Toxicology
2. Microscopic exam
3. Neuropathology
4. Vitreous
5. Cultures

(b) Coroner Investigator's Report

1131.5 RESTRICTED REPORTS

Release of any records relating to the following case types shall be authorized by the Coroner Division Commander and/or his/her designee:

(a) The cause and/or manner of death is pending investigation

(b) The death has been classified as a homicide

1. Homicide records shall only be released after obtaining approval from the investigating law enforcement agency

(c) All in-custody and officer involved deaths

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(d) When there is an active criminal investigation

1131.5.1 DISTRICT ATTORNEY NOTICE OF COMPLETION
Officer involved and In-custody death reports may be released only after receiving proper notice of investigation completion from the Orange County District Attorney's Office.

1131.6 RELEASING THE CORONER INVESTIGATOR REPORT

Requests from members of the public seeking the Coroner Investigator report (or any other record not specified in Section 1131.4 of this policy) shall be referred to the Clerical Supervisor or his/her designee, who shall make the appropriate redactions prior to release of the report.

(a) The following shall be redacted:

1. Any references to medical or psychological history obtained from the medical providers

2. Any reference to criminal history or arrest records obtained from official sources

3. Any information that may place a witness in danger

4. Any information pertaining to a peace officer's home address or phone number

5. Any other information exempt from public disclosure by law

(b) The requirement for redaction does not apply if the requesting party is a member of the investigating law enforcement agency. The exemption to this guideline is when there is medical information about someone other than the deceased. This information shall be redacted prior to release to law enforcement unless the information about the other person is relevant and directly related to the death (Gov. Code 27491.1).

1131.7 METHODS OF RELEASE

Copies of Coroner reports may be released to the requesting party either by:

(a) Hard copy mailed to the requesting party's address or released to requesting party at the Coroner Division Facility.

1. Hard copies shall only be released after receipt of the required fees from the requesting party.

(a) Law enforcement personnel are exempt from this requirement.

2. Hard copies shall be certified by Clerical staff prior to release of the report(s).

(b) Electronic copy sent to the requesting party's e-mail account.

1. There shall be no required fees for electronic reports.

2. Electronic copies shall not be certified by Clerical staff.

1131.8 RELEASE OF PHOTOGRAPHS

For policy reference the release of Coroner photographs, refer to Policy 1132 of this manual.

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Photographs

1132.1 PURPOSE AND SCOPE

The taking of photographs by Coroner Division personnel is an important tool used to visually preserve components of the death investigation, including the death location, the decedent, pertinent evidence, and autopsy findings. This policy serves to establish rules and guidelines for the taking, storing, and release of photographs by Coroner Division personnel.

1132.2 DEFINITION

For purposes of this policy, "photographs" refers to any printed, digital, or video image, or other forms of visual media.

1132.3 TAKING OF PHOTOGRAPHS

Photographs shall be taken in all of the following instances:

(a) Deputy Coroners shall document with photographs any decedent, death scene, or place of injury to which he/she responds in the course of a death investigation.

1. Photographs shall include any pertinent evidence found at the scene, or on/near the decedent's person.

(b) The Coroner Technician shall take at least one facial photograph of any decedent received at the Coroner Division Facility, and of autopsy findings when requested by the Coroner's pathologist.

1132.3.1 INSTRUCTIONAL PHOTOGRAPHS

Instructional photographs of a decedent and/or death location taken in the normal course of duty may be used for instructional purposes with the approval of the Coroner Division Commander or his/her designee.(Civil Code Procedure 129 Section B)

1132.4 PERMITTED DEVICES

Authorized photographs may be taken on a Department issued digital camera or cell phone.

1132.5 STORAGE OF PHOTOGRAPHS

Printed photographs and other non-digital photographic mediums (i.e. discs or video tapes), shall be stored in the physical case file. Digital photographs shall be uploaded to the Coroner Division's photograph database (LYNX) for permanent storage.

(a) Once the digital upload to LYNX is completed, photographs may be deleted from the original device.

(b) Photographs may not be duplicated from a case file or LYNX without approval from the Coroner Division Commander or his/her designee.

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1132.6 RELEASE OF PHOTOGRAPHS

(a) Any request for release of photographs shall be referred to the Clerical Unit for review and processing. A member of the clerical unit shall review the request for legality, pursuant to Code of Civil Procedures 129 prior to the release of any photographs.

(b) Members of the Coroner Division may not display or make available any photographs of a decedent, death location, or taken within the Coroner Division Facility, without prior approval from the Coroner Division Commander or his/her designee.

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Toxicology Request

1133.1 PURPOSE AND SCOPE

A forensic toxicology screen is often a critical component of the death investigation and in some cases is required by law. This policy establishes the categories of death investigations that shall require a toxicology screen, as well as the rules and guidelines for submitting a toxicology request.

1133.2 DEATHS REQUIRING A TOXICOLOGY SCREEN

The following categories of acute deaths shall require a toxicology screen in addition to the postmortem examination (complete autopsy or external examination):

(a) Any death where a cause of death is not discovered at autopsy, i.e. pending deaths

(b) Suspected overdoses or poisonings

(c) Suspected neglect deaths, with alleged under-administration or withholding of medications

(d) Suspected carbon monoxide deaths, including those resulting from scuba, aircraft, or fire related incidents

(e) Drownings

(f) Industrial accidents

(g) All other traumatic deaths

(h) State hospital patient deaths where a Coroner postmortem examination was performed

(i) Sudden and Unexpected Infant Deaths, and Sudden and Unexpected Deaths of Children

(j) Deaths that are known or suspected to be the result of a homicide

(k) Officer Involved Deaths

(l) When the death occurred while in the custody of a law enforcement agency

(m) Any death where the handling Deputy Coroner and/or contract forensic pathologist believe that case history or circumstances warrant a toxicological assessment

1133.2.1 DELAYED DEATHS NOT REQUIRING A TOXICOLOGY SCREEN

A delayed death, defined as any death occurring more than 24 hours after the incident and where ante-mortem specimens are unavailable, does not always require a toxicology screen. Toxicology screens on a delayed death may be performed using the postmortem blood sample if the handling Deputy Coroner and/or contract forensic pathologist believe that case history or circumstances warrant a toxicological assessment.

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(a) The following deaths are excluded from this exception and shall always require a toxicology screen, regardless of delay or existence of ante-mortem specimens:

1. Suspected overdoses on hospital medications
2. Deaths that are known or suspected to be the result of a homicide
3. Officer Involved Deaths
4. When the death occurred while in the custody of a law enforcement agency

1133.3 PREPARING AND SUBMITTING THE TOXICOLOGY REQUEST

The handling Deputy Coroner shall be responsible for preparing and submitting toxicology requests on all cases outline in section 1133.2 of this policy within 4 working days of the postmortem examination. On the request, the Deputy Coroner shall provide a brief statement regarding the circumstances of death, including any suspected drugs or medications that may have been prescribed to or consumed by the decedent. The Deputy Coroner shall also list any paraphernalia that was discovered in the course of his/her scene investigation. The Deputy Coroner shall send the completed toxicology request to the Forensics Unit. Upon receipt of the request, a Forensic Assistant shall transport both the requests and the necessary specimens to the Orange County Crime Lab for toxicology screening.

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Specimen Retention and Discard

1134.1 PURPOSE AND SCOPE

This policy establishes rules and guidelines for the retention and discard of all external examination and autopsy related specimens.

1134.2 AUTHORITY

The authority to approve the retention or discarding of any specimen lies with the case's assigned Deputy Coroner. Upon case closure, the Deputy Coroner shall order discard or retention of specimens in accordance with this policy.

1134.3 DISCARD SCHEDULE

(a) The following specimens shall be discarded six months from the date of autopsy, for all cases except those outlined in section 1134.4 of this policy:

1. Antemortem blood, if applicable
2. Postmortem blood
3. Vitreous fluid
4. Frozen tissue
5. Miscellaneous tissue and swabs

(b) The following specimens shall be discarded three years from the date of autopsy, for all cases except those outlined in section 1134.4 of this policy:

1. Fixed tissue

1134.4 RETENTION SCHEDULE

(a) All external examination and autopsy related specimens shall be retained indefinitely for the following categories of cases:

1. When the manner of death is classified as Homicide
2. Officer Involved Deaths
3. When the death occurred while in the custody of a law enforcement agency
4. When the decedent is unidentified
5. When the cause of death is Undetermined
6. When the manner of death is Undetermined and the decedent expired under suspicious or criminal circumstances

(b) Retention of all external examination and autopsy related specimens shall be extended for the following categories of cases:

1. When the cause and manner of death remains pending beyond six months

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(a) Specimens shall be retained or discarded upon case closure, in accordance with this policy.

2. When retention is formally requested by the person(s) controlling disposition of the remains, or an attorney representing any interested party.

(a) Any request for extended specimen retention shall be forwarded to the assigned Deputy Coroner. The Deputy Coroner shall acknowledge receipt of the request by completed the applicable fields in the CME database, on the page titled "Specimen Disposition."

1134.5 HISTOLOGY RETENTION

All histology blocks and slides shall be retained indefinitely.

1134.6 PRODUCTS OF HUMAN CONCEPTION

Any product of human conception less than 20 weeks gestation shall be considered a specimen and shall be retained for at least 30 days to allow for claim by the legal next-of-kin. If the specimen is not claimed within 30 days, the specimen may be disposed.

If the gestational age is unknown, the product of human conception shall weigh less than 400 grams and measure less than 28 centimeters in length from crown to heel in order to qualify for disposal; any decedents weighing greater than 400 grams and measuring greater than 28 centimeters in length shall be classified as a fetus and released to a funeral establishment in accordance with Policy 1141 of this manual.

Retention of a specimen that is a product of human conception shall be extended when retention is formally requested by the person(s) controlling disposition of the remains, or an attorney representing any interested party.

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Public Administration Case Referral

1135.1 PUBLIC ADMINISTRATOR CASE REFERRAL

This policy establishes rules and guidelines for Coroner case referral to the Orange County Public Administrator.

1135.2 CASES REQUIRING PUBLIC ADMINISTRATOR REFERRAL

The following categories of deaths shall be referred to the Public Administrator by the assigned Deputy Coroner, following a diligent search for existing next-of-kin:

(a) When the decedent's next-of-kin is unknown.

(b) When there is no surviving next-of-kin.

(c) When the next-of-kin is unable to be located.

(d) When the decedent's next-of-kin has been located, but is unable to arrange for disposition of property due to inability to travel, incapacitation by illness, or some other factor(s) prohibiting his/her ability to act.

(e) When the decedent's real property is unable to be secured and is in jeopardy of loss or damage.

For all other deaths, disposition of the remains and any property in possession of the Coroner may be decided by the assigned Deputy Coroner, pursuant to Health and Safety Code 7100.

1135.3 CASE REFERRAL

Referrals to the Public Administrator shall include a completed Public Administrator Summary Report and one copy of the Coroner Investigator (CI) report.

For homicide deaths, in-custody deaths, and officer-involved deaths, the referral shall contain only the Public Administrator Summary Report.

1135.4 RELEASE OF PROPERTY TO THE PUBLIC ADMINISTRATOR

For any case under the jurisdiction of the Public Administrator, property in possession of the Coroner may be released to the Public Administrator without written authorization from the next-of-kin. Property shall be released in accordance with the Coroner Division Policy 1102.11.1.

1135.5 DOCUMENTATION

Case referral to the Public Administrator shall be documented by completing the applicable CME fields on the page titled "Kin/Informants." Any communication from the Public Administrator, including updates or final decisions relevant to the disposition of the decedent's remains and/or property, shall be documented in CME on the page titled "Supplemental Case Note."

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Trauma at Autopsy

1136.1 PURPOSE AND SCOPE

Pursuant to Government Code 27491.1, the Coroner shall immediately notify the appropriate law enforcement agency when it is suspected that a death was occasioned by criminal means. As such, this policy establishes rules and guidelines should unsuspected trauma or other reasonable suspicion of foul play be discovered during the postmortem examination (external examination or autopsy).

1136.2 POLICY

When trauma is discovered during the postmortem examination that may be related to the cause of death, and where trauma was not previously suspected by the assigned deputy coroner, the contract pathologist shall immediately halt his/her examination and a member of the Forensics unit shall promptly notify the on-duty Watch Commander of his/her findings.

Upon receiving this notification, the on-duty Watch Commander shall respond to the autopsy suite and consult with the pathologist regarding his/her discovery of unsuspected trauma or other reasonable suspicion of foul play. If the source of the trauma cannot be reasonably explained as non-criminal based on the decedent's known history and/or circumstances of death, the watch commander shall immediately notify the law enforcement agency having jurisdiction over the death investigation.

1136.3 AUTOPSY PROCEEDINGS

Any postmortem examination of deaths meeting the criteria of this policy shall not proceed without photographic coverage by the Orange County Crime Lab. The law enforcement agency having jurisdiction over the death investigation shall be afforded the opportunity to have a representative present at the postmortem examination, and shall be given reasonable time to respond to theCoroner Division Facility.

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Postmortem X-Rays and Equipment

1139.1 PURPOSE AND SCOPE

In conjunction with a postmortem examination, postmortem x-rays can be a valuable tool to assist in determination of the cause and manner of death, location of forensic evidence, or identification of a decedent. This policy establishes rules and guidelines for those deaths requiring postmortem x-rays, and the proper use of x-ray equipment.

1139.2 DEATHS REQUIRING FULL BODY X-RAY

All decedents falling into one of the following categories, shall receive full body x-rays prior to autopsy examination:

(a) Homicide deaths;

(b) Officer Involved deaths;

(c) In-custody deaths;

(d) Children, age 7 and under;

(e) Fetuses, when obvious maternal trauma is involved;

(f) Pedestrian vs. auto deaths, when hit and run is known or suspected

(g) Decedents that remain unidentified at the time of autopsy

1. Dental x-rays shall be included

(h) At the request of the Coroner's pathologist

1139.3 X-RAY RETENTION

All x-rays, both full body and dental, performed at the Coroner Division shall be retained indefinitely.

1139.4 USE OF X-RAY EQUIPMENT

The Senior Coroner Technician shall ensure that all members of the Forensics Unit adhere to all applicable safety guidelines set forth by the California Department of Public Health and Radiologic Health Branch.

X- rays shall be performed only by members of the Forensics Unit. The operator shall be responsible for clearing the x-ray room of non-essential persons prior to and during the taking of x-rays. The operator shall be positioned behind the protective wall at all times while x-ray equipment is in use. No person(s) shall hold or be used to hold the remains or specimens being x-rayed. Any apparent malfunction of the x-ray equipment shall be immediately reported to a Senior Coroner Technician.

1139.5 PERSONAL MONITORING DEVICES

Personal monitoring devices shall be worn at all times while operating the x-ray equipment. Dose monitoring records shall be recorded in the designated log book, and made available for review

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by the Department of Health Services upon request. Any report indicating potential overexposure shall be reported to the Department of Health Services immediately.

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Death Certificates

1144.1 PURPOSE AND SCOPE

Health and Safety Code 102860 charges the Coroner with the responsibility of attesting a death certificate for any death where the attending physician, surgeon, or physician assistant is unable to provide a cause of death, the death occurs without medical attendance, suicide is suspected, the death occurs following an injury or accident, or when there is suspicion that the death was caused by the criminal act of another.

1144.2 CAUSE OF DEATH DETERMINED BY CORONER PATHOLOGIST

The Coroner Division shall create and sign a death certificate for any decedent who undergoes a postmortem examination by the Coroner pathologist.

(a) Fetal deaths - A Certificate of Fetal Death is required when the fetus has advanced to or beyond the 20th week of gestation.

1144.2.1 FINALIZED DEATH CERTIFICATES

A finalized death certificate shall be created and attested for all cases where both cause and manner of death are known immediately following postmortem examination, and where release of the cause and manner of death will not negatively impact an ongoing criminal investigation.

1144.2.2 PENDING DEATH CERTIFICATES

Pending death certificates shall be created and attested following the autopsy when any of the following apply:

(a) The cause of death is unknown and further lab studies are required

(b) The manner of death is unknown and further investigation is required

(c) When release of the cause of death would be detrimental to an ongoing criminal investigation, and a law enforcement agency having jurisdiction has requested that the cause of death not be released

(d) Any case requiring presentation at the Sheriff-Coroner Review

1144.2.3 DEATH CERTIFICATE AMENDMENTS

An amendment to a pending death certificate created and attested by the Coroner shall be issued as soon as possible once the death investigation is complete, and both cause and manner of death have been determined.

1144.2.4 SIGN-OUT NO AUTOPSY DEATH CERTIFICATES

For policy regarding non-autopsy cases with death certificates co-signed by the Coroner, refer to Policy 1145.

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1144.3 DEATH CERTIFICATE CREATION

The Clerical Unit shall be responsible for the creation of any death certificate to be attested by the Coroner. Death certificates shall be created via the Electronic Death Registration System (EDRS) immediately following the postmortem examination. The Clerical Unit shall input all information necessary to prepare the certificate for signature, obtained from the CME database, and forward the certificate to the on-duty Coroner Watch Commander upon completion.

1144.4 DEATH CERTIFICATE ATTESTATION

Death certificates shall be attested by the on-duty Coroner Watch Commander via EDRS. In the absence of a Coroner Watch Commander, death certificates shall be attested by the Deputy-In-Charge (DIC).

1144.5 TRANSFER OF DEATH CERTIFICATES TO MORTUARY

The attested Coroner death certificate shall be electronically transferred to the chosen funeral establishment upon the release of remains.

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Sign-Out No Autopsy (SONA) Cases

1145.1 DEFINITION

A SONA case involves the process of the Coroner signing a death certificate based upon review of clinical diagnoses in lieu of performing an autopsy. SONA cases are deaths:

(a) Occurring in a medical facility or on hospice care

(b) Where the cause of death has been diagnosed by the treating physician

(c) The cause of death falls under the jurisdiction of the Coroner

(d) The treating physician is willing and able to co-sign the death certificate with the Coroner

(e) The manner of death is accident or suicide

1. A homicide death may very rarely qualify for SONA; refer to section 1145.2.1(a) of this policy

(f) A postmortem examination and/or related testing will not augment the death investigation.

Deaths with nuances outside of this definition may be considered for SONA at the discretion of the Coroner Watch Commander.

1145.2 CASES EXCLUDED FROM SONA

The following deaths are not eligible for SONA consideration and shall undergo a postmortem examination prior to Coroner death certificate signature:

(a) Homicide deaths or those related to an active criminal investigation

1. A significantly delayed homicide, where criminal charges have been adjudicated, may be considered for the SONA process with approval of the Coroner Division Commander or his/her designee.

(b) In-custody deaths

(c) Officer-involved deaths

(d) Any traffic related fatality with pending major criminal charges, or where the death occurs less than 48 hours after the incident

1. Traffic related fatality deaths with pending criminal charges may be considered for SONA with consent from the handling law enforcement agency and approval of the Coroner Watch Commander

(e) Any suspected overdose or poisoning where admitting antemortem blood samples are available and toxicology levels have not been quantitated by a laboratory

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(f) Any death where the cause is only presumed or suspected and has not been established diagnostically

(g) Any death where there is an investigative need for autopsy examination, or where the manner of death may be in question

1145.3 BODY EXAMS

SONA cases do not require a body examination unless requested by the Coroner Watch Commander, assigned Deputy Coroner, or pathologist.

1145.4 INVESTIGATION

Upon receiving the report of a death and determining the case to be a possible candidate for SONA consideration, Deputy Coroners shall initiate an investigation to include:

(a) Statements from medical providers, family members, witnesses, or other person(s) most knowledgeable

(b) Obtain, review, and summarize pertinent medical records

(c) Obtain, review, and summarize pertinent police, incident, or social service (example: Adult Protective Services) reports

(d) Search criminal histories

(e) Obtain the treating physician's proposed cause of death, and determine his/her willingness to co-sign the death certificate with the Coroner

(f) Place a hold on antemortem blood specimens, if available

(g) Document his/her progress in CME on the page titled "SONA Tracking"

1145.5 REVIEW PROCESS

The on-duty dayshift Coroner Watch Commander or his/her designee shall review the Deputy Coroner's case report and present the facts to a pathologist along with all available medical records. Together, both parties shall assess the case history and circumstances. The pathologist will then indicate his/her agreement with the cause of death proposed by the treating physician. If he/she agrees with said proposed cause, the case shall continue through the SONA process and the death certificate shall be co-signed by the Coroner. If he/she disagrees with the proposed cause, the case shall be transported to the Coroner Division for autopsy examination.

The Coroner Watch Commander shall document the name of the pathologist reviewing the case in CME on the page titled "SONA Tracking."

1145.6 SIGNING THE DEATH CERTIFICATE

When the cause of death has been mutually agreed upon by the treating physician and pathologist, the Coroner Watch Commander shall determine that all investigative elements have been satisfied and then notify the Clerical Unit to initiate processing of the death certificate. The Clerical Unit will coordinate with the selected mortuary for physician and Coroner attestation. All actions shall be

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documented via completion of the applicable fields in CME on the page titled "SONA Tracking." Once the death certificate has been attested by all parties, the case shall be returned to the assigned Deputy Coroner who may submit the case for closure.

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Organ Procurement

1151.1 PURPOSE AND SCOPE

Health and Safety Code 7151.15 mandates the Coroner to cooperate with procurement organizations in order to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. This policy shall apply to all deaths where an organ procurement organization (OPO) is pursuing organ procurement. One Legacy is a federally designated OPO; One Legacy is presently assigned by Donate Life California as the OPO for the region that includes Orange County. Notwithstanding One Legacy's designation as the OPO for Orange County, the Coroner recognizes that other OPOs may be selected by decedents before their death or by other authorized persons for organ procurement. The Coroner will cooperate with any federally designated OPO.

1151.2 FIRST CALL

Due to the inherent time sensitivity of the organ donation process, an OPO representative may report an expected death to the Coroner prior to the legal pronouncement. Deputy Coroners receiving this report shall assist in evaluating the case for Coroner jurisdiction and potential autopsy.

1151.3 REQUIREMENTS FOR CORONER ALLOWING ORGAN PROCUREMENT

Pursuant to Government Code 27491.45(b), the Coroner may allow organ procurement only when the following criteria are met:

(a) The provision of the part(s) will not unnecessarily mutilate the body or interfere with the autopsy

(b) The decedent or other authorized person, as specified in Section 7151 of the Health and Safety Code, has consented to the provision of the part(s)

(c) The Coroner may consent to procurement in the absence of consent from the decedent/authorized person(s) only after the Coroner has made a reasonable effort to locate and inform authorized person(s) of their option to consent or object to the organ procurement but has been unable to locate any authorized person(s).

1. A reasonable effort to locate authorized person(s) shall be deemed to have been made when a search for the persons has been underway for at least 12 hours. The search shall include a check of local police missing persons records, examination of personal effects, and the questioning of any persons visiting the decedent before his or her death or in the hospital, accompanying the decedent's body, or reporting the death, in order to obtain information that might lead to the location of any persons listed in subdivision (a) of Section 7151 of the Health and Safety Code.

2. The 12 hours described above applies to the minimum time that must be spent trying to locate an authorized person who may consent to the organ procurement

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in the absence of a pre-mortem consent by the decedent. If the Coroner actually knows the location of an authorized person listed in subdivision (a) of Section 7151 of the Health and Safety Code, the Coroner cannot consent to organ procurement.

1151.4 AUTOPSY CASES

Any death reported to the Coroner which, at the completion of the investigation, is determined to require autopsy examination shall be evaluated by the Coroner Watch Commander and/or Forensic Pathologist prior to giving OPO access to the body for procurement. If either the Coroner Watch Commander or Forensic Pathologist determine that organ procurement will not interfere with the subsequent course of an investigation or autopsy, the Watch Commander may authorize an OPO to procure specified organs as identified by the Watch Commander. The autopsy shall be performed following the removal of the organs.

1151.5 DEATHS WHERE CRIMINAL INVESTIGATION IS ANTICIPATED

The assigned Deputy Coroner shall contact the investigating law enforcement agency when an OPO requests procurement on any death where criminal investigation is anticipated. Deputy Coroners shall inform the agency of the OPO's intent to procure organs, determine whether the law enforcement agency has any objection(s) to the Coroner giving authorization for procurement, and relay said objection(s) to the Coroner Watch Commander for consideration.

1151.6 DENYING REQUESTS FOR ORGAN PROCUREMENT

If, based on the preliminary investigative findings of any case, the Coroner Watch Commander and/or Forensic Pathologist determine that organ procurement may interfere with the determination of cause or manner of death, the case shall be elevated to the Manager of Investigations to discuss with the management team. Denial of requests for organ procurement may be made only by the Sheriff-Coroner or his/her designee.

1151.7 BODY EXAMINATIONS

Deputy Coroners shall not conduct a field response or body examination on any patient where death has not been legally pronounced. Field responses and body examinations on patients whom are legally deceased shall be made in accordance with policy 1104 – Field Responses of this manual.

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Handling of Bone/Tissue Specimens

1152.1 PURPOSE AND SCOPE

Bones, tissues, and other specimens are commonly collected by or delivered to Coroner Division personnel by law enforcement officers, medical professionals, or members of the public. This policy serves to establish rules and guidelines for the handling of these specimens.

1152.2 DEFINITIONS

(a) Specimen: Bones, tissues, organs, products of conception, and human remains of no forensic value

(b) Forensic Value:Human remains or portions thereof that show evidence of a modern murder or evidence necessary to determine the cause or manner of death, or identity of a deceased person.

(c) Human remains: The body of a deceased person, or portion thereof.

1152.3 FIELD RESPONSES AND TRANSPORTING OF BONE/TISSUE SPECIMENS

Deputy Coroners receiving report of a bone or tissue specimen found in the field is not required to respond to the scene when there are no reports of additional evidence in close proximity to the specimen, and collection of the specimen by the finder or reporting law enforcement agency will not result in loss or destruction of the specimen. Deputy Coroners may direct the finder or reporting law enforcement agency to instead collect the specimen and deliver it to the Coroner Division Facility for examination.

If the finder or reporting law enforcement agency reports multiple specimens and/or skeletal remains located in or near a potential gravesite, Deputy Coroners shall conduct a field response. Any reports of specimens found under suspicious circumstances shall also require a field response by the Deputy Coroner. The remains may be transported by Deputy Coroners in the trunk of the Deputy Coroner's vehicle, so long as he/she can properly secure the item in a sealed bag or an appropriate spill proof container.

All bone or tissue specimens in this policy section shall be documented in CME as a Coroner Case. The assigned manner shall be determined based on known case circumstances.

1152.4 NON-HUMAN REMAINS

Any remains determined to be non-human by Deputy Coroners need not be documented nor transported to the Coroner Division Facility. Any remains where the potential of human origin cannot be ruled out shall be documented in CME with the assigned manner of "Jurisdictional Inquiry" and transported to the Coroner Division Facility for examination by the Forensic Pathologist and/or Forensic Anthropologist.

1152.5 HUMAN REMAINS OF NO FORENSIC VALUE

Any remains thought to be human but of no forensic value (example: educational displays, war relics, museum collections, etc.) shall be documented in CME by the Deputy Coroner and assigned

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a manner of "Jurisdictional Inquiry." The remains shall be photographed and delivered to the Forensics Unit for examination by the Forensic Pathologist and/or Forensic Anthropologist.

1152.6 HUMAN REMAINS WITH FORENSIC VALUE

If at any point a Deputy Coroner, Forensic Pathologist, or Forensic Anthropologist determine remains to be human and have some forensic value, the remains shall be handled in accordance with Policy 1117 of this manual.

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Attachments

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ICS 204-Division Unit-Assignment List.JPG

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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

Military Equipment Inventory.pdf

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ORANGE COUNTY SHERIFF'S DEPARTMENT MILITARY EQUIPMENT INVENTORY

CATEGORY 1 - Unmanned, remotely piloted, powered aerial or ground vehicles

Unmanned Aerial System (UAS): An unmanned aircraft and the associated equipment necessary to control it remotely.

1. **Description, capabilities, quantity and cost:**

   a. DJI MAVIC 2 PRO: Featuring an iconic Hasselblad L1D-20C camera which boasts a 1-inch CMOS sensor. Key features include its 5 mile range using DJI's new OcuSync 2.0 technology, up to 31 minutes of flight time with its 3850 mAh battery making it the longest flight time for a consumer drone on the market.

      Cost: $2,300, Quantity: 7

   b. DJI MAVIC 2 ENTERPRISE DUAL: Featuring a fully integrated and stabilized dual sensor with Radiometric FLIR® thermal & visible imagery the Mavic 2 Enterprise Dual is one of the most capable aircrafts for its size and very affordable price point. Add-on modules include the spotlight, speaker and beacon.

      Cost: $3,000, Quantity: 2

   c. DJI MAVIC 2 ENTERPRISE ADVANCED: The Mavic 2 Enterprise Advanced (M2EA) is a highly versatile yet compact tool and boasts a high-resolution 640x512 thermal camera as a well as a 48MP visual camera. Thanks to the new RTK module, centimeter-level positioning can be achieved.

      Cost: $6,500, Quantity: 17

   d. SKYDIO 2: Powered by the Nvidia Jetson Computer System and features a standard 4K camera that shoots at up to 60 fps. The Skydio 2 uses six cameras, with a total of 48MP of resolution, for obstacle avoidance purposes, making it one of the safest drones around, in terms of avoiding a crash.

      Cost: Donated, Quantity: 1

   e. DJI MINI 2: Featuring an ultralight and foldable airframe weighing as little as 249 grams that provides ultra-clear 4K video and up to 31 minutes of flight time. This platform is ideal for small spaces and indoor flights when equipped with propeller guards.

      Cost: $599, Quantity: 7

   f. PARROT ANAFI THERMAL: Featuring the FLIR® Lepton 3.5 microbolometer (radiometric) thermal imager with a resolution of 160x120. An ultra-compact and portable drone capable of stunning 4K HDR aerial videography, and thermal imaging that can help a variety of professional industries. The dual sensors have been made to work in full synchronization, blending the thermal imaging over the visible footage.

      Cost: $1,600, Quantity: 4

   g. DJI MATRICE 350 RTK: Long distances and extreme weather. The Matrice 350 RTK is built to handle demanding professional missions in harsh environments. The O3 Enterprise transmission uses a four-antenna system for control and live data feeds up to 12.4 miles away. The motor of the drone is capable of horizontal speeds up to 52 MPH. There are many payloads available including various cameras, LED light, and loudspeaker.

      Cost: $11,700, Quantity: 3 (To be acquired in fiscal year 2024-2025 pending approval by the Board of Supervisors.)

h. DJI MATRICE 30T: The M30T model integrates a 48-megapixel ½" CMOS sensor-zoom camera with 5x-16x optical and 200x digital zoom, a 12-megapixel wide-angle camera, 8K photo, 4K/30 fps video resolution, and a laser rangefinder which can give precise coordinates of objects up to 1,200 meters away.

   Cost: $9,600, Quantity: 1 (To be acquired in fiscal year 2024-2025 pending approval by the Board of Supervisors.)

i. DJI MAVIC 3 ENTERPRISE: The Mavic 3E redefines industry standards for small commercial drones. With a mechanical shutter, a 56x zoom camera, and an RTK module for centimeter-level precision, the Mavic 3E brings mapping and mission efficiency to new heights. Key features include up to 45 minutes of flight time, 4/3 CMOS 20 Megapixel wide angle lens, and the ability to survey 2 square kilometers per flight.

   Cost: $3,800, Quantity: 1 (To be acquired in fiscal year 2024-2025 pending approval by the Board of Supervisors.)

j. DJI MAVIC 3 THERMAL: The Mavic 3 Thermal is equipped with a 12 MP zoom camera, supporting up to 56x max hybrid zoom and a 640x512 resolution thermal camera. Key features include up to 45 minutes of flight time, 4/3 CMOS 20 Megapixel wide angle lens, and the ability to survey 2 square kilometers per flight.

   Cost: $5,700, Quantity: 2 (To be acquired in fiscal year 2024-2025 pending approval by the Board of Supervisors.)

k. SKYDIO X10: Equipped with an onboard NVIDIA Jetson Orin GPU which makes this one of the most intelligent UAVs on the market. The Skydio X10 Drone is designed, assembled, and supported in the United States of America. It has a maximum flight speed of 45 miles per hour, and a maximum flight time of 40 minutes. It will come equipped with a camera system which includes a narrow camera, a telephoto camera, as well as a radiometric thermal camera. It will also include obstacle avoidance equipment for day and night missions.

   Cost: $16,500, Quantity: 2 (To be acquired in fiscal year 2024-2025 pending approval by the Board of Supervisors.)

2. Purpose:

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

a. Post-incident crime scene preservation and documentation,

b. Bomb Squad missions,

c. Response to hazardous materials spills,

d. Traffic collision investigations,

e. Search and Rescue (SAR) missions as defined in the Department SAR Operations Manual,

f. Public safety and life preservation missions to include, but not be limited to, barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous and/or violent suspects, and high-risk search warrants,

g. Disaster response and recovery to include natural or human caused disasters including a full overview of a disaster area for post incident analysis and documentation,

h. Training flights in support of the Department UAV Training Manual,

i. For fire response and prevention,

j. When there is probable cause to believe that (1) the UAV may record images of a place, thing, condition, or event; and (2) that those images would be relevant in proving that a crime had occurred or is occurring, or that a particular person committed or is committing a crime and use of the UAV does not infringe upon the reasonable expectation of privacy,

k. Pursuant to a search warrant,

l. Inspection of Orange County property and facilities, to include OCIAC locations designated under the US Department of Homeland Security's Critical Infrastructure Sectors,

m. Production of video for the Department and other County of Orange agencies/departments for promotional, educational and/or training purposes.

3. **Authorized Use:**

Only assigned operators who have completed the required training shall be permitted to operate any UAV during approved missions.

4. **Expected Lifespan:**

All UAV equipment has an estimated lifespan of 3-5 years.

5. **Fiscal Impact:**

The estimated annual cost of the UAV program maintenance is $9,000.

6. **Training:**

All Department UAV operators will be licensed by the Federal Aviation Administration for UAV operation under 14CFR Part 107. In addition, each operator must attend ongoing currency flights and training.

7. **Legal and Procedural Rules:**

The Department will only deploy the UAV for official law enforcement purposes or approved missions pursuant to applicable Federal & State laws, OCSD UAV Policy 308, and in a manner that respects the privacy of our community.

Hazardous Duty Unmanned Vehicle, Robot: A heavy-duty remote controlled, tracked, robotic ground vehicle equipped with cameras, two-way audio communication, articulating arm with gripper, and a variety of remotely actuated tool options.

1. **Description, capabilities, quantity and cost:**

REMOTEC ANDROS F6A/B HAZARDOUS DUTY UNMANNED VEHICLE: A remotely operated hazardous duty robotic platform providing Certified Public Safety Bomb Technicians with the ability to remotely access, investigate, and render safe suspected hazardous devices and items. The F6A/B is a multi-mission platform which also provides Bomb Technicians with the ability to gain access to and observe the interior/exterior of a structure or location. This capability increases the safety of community members, public safety personnel, and suspects by providing the robot operator with the ability to observe and locate subjects and hazardous items without the risk of a face-to-face confrontation or unnecessary exposure to hazardous devices or materials. Additionally, the remote, two-way, communication capability allows personnel to de-escalate situations by negotiating the surrender of barricaded subjects. Robot may be controlled wirelessly with two-way radio frequency transceivers or spooled fiber optic line.

Cost: $250,000, Quantity: 3

2. **Purpose:**

The Remotec Andros is a multi-mission capable platform, which may be utilized for accessing, investigating, and rendering safe hazardous devices, providing tactical support during SWAT

deployments, allowing for two-way communication and remote delivery of throw phones during crisis negotiations, and deployment of various detectors for monitoring hazardous materials.

3. **Authorized Use:**

   The tactical robot shall only be deployed by Department personnel trained in its use, and with the approval of the SWAT Commander, Watch Commander, or their designee.

4. **Expected Lifespan:**

   The remaining lifespan is approximately 5-10 years.

5. **Fiscal Impact:**

   Annual maintenance costs under contract, not to exceed $10,000.

6. **Training:**

   Only Certified Public Safety Bomb Technicians are authorized to deploy the Remotec Andros F6A/B platform operationally. All Bomb Technicians receive robot operations training during the FBI Basic Bomb Technician Certification Course and all robot operators shall receive the initial training before deploying the robot in the field.

7. **Legal and Procedural Rules:**

   The Department shall only utilize the robot for official law enforcement purposes and pursuant to State and Federal Law.

Transcend Vantage Tactical Robot (TR0560): A remotely controlled, tracked, robot equipped with cameras, two-way audio communication, and CS smoke deployment capabilities.

1. **Description, capabilities, quantity and cost:**

   TRANSCEND VANTAGE TACTICAL ROBOT: A remotely operated tactical robot providing officers with the ability to observe the interior/exterior of a structure or location. This capability increases the safety of community members, officers, and suspects by providing the operator with the ability to observe and locate subjects without the risk of a face-to-face confrontation. Additionally, the remote, two-way, communication capability allows operators to de-escalate situations by negotiating the surrender of barricaded subjects. It also provides an option of transporting and deploying a CS smoke canister into an area without exposing personnel to the threat area.

   Cost: $10,475, Quantity: 1

2. **Purpose:**

   To be used during tactical incidents to safely search the interior/exterior of structures and locations without exposing officers and/or community members to the risk of a face-to- face confrontation or hazard areas.

3. **Authorized Use:**

   The tactical robot shall only be deployed by Department personnel trained in its use, and with the approval of the SWAT Commander, Watch Commander, or their designee.

4. **Expected Lifespan:**

   The robot's lifespan is approximately 10 years.

5. **Fiscal Impact:**

   Annual maintenance cost of approximately $500.

6. **Training:**

   All operators shall receive initial training before deploying the robot in the field.

7. **Legal and Procedural Rules:**

   The Department shall only utilize the robot for official law enforcement purposes and pursuant to State and Federal Law.

Recon Robotics – Throwbot: The Recon Robotics robot is a throwable micro-robot platform that enables operators to obtain instantaneous video and audio reconnaissance within indoor or outdoor environments.

1. **Description, capabilities, quantity, and cost:**

   RECON ROBOTICS – THROWBOT: A remotely operated tactical robot providing officers with the ability to observe the interior/exterior of a structure or location. This capability increases the safety of community members, officers, and suspects by providing the operator with the ability to observe and locate subjects without the risk of a face-to-face confrontation. Designed to withstand repeated drops, the robot can be thrown into hazardous situations in order to allow operators to quickly make informed decisions from behind positions of cover.

   Cost: $10,000 full kit (2), $6,000 robot only (4), Quantity: 6 (Equipment inadvertently omitted from 2023 inventory.)

2. **Purpose:**

   To be used during tactical incidents to safely search the interior/ exterior of structures and locations without exposing officers and/or community members to the risk of a face-to- face confrontation or hazard areas.

3. **Authorized Use:**

   The tactical robot shall only be deployed by Department personnel trained in its use.

4. **Expected Lifespan:**

   The robot's lifespan is approximately 10 years.

5. **Fiscal Impact:**

   Annual maintenance cost of approximately $200.

6. **Training:**

   All operators shall receive initial training before deploying the robot in the field.

7. **Legal and Procedural Rules:**

   The Department shall only utilize the robot for official law enforcement purposes and pursuant to State and Federal Laws.

TELEDYNE – FLIR PACKBOT 525: A transportable multi-mission robot remote controlled, tracked road wheel system, equipped with HD & thermal imaging cameras, 2-way audio communication, capable operating in CBRN & Hazardous Material environments.

1. **Description, capabilities, quantity and cost:**

   TELEDYNE-FLIR PACKBOT 525: A remotely operated robot purposely designed to operate in hazardous environments specific to Bomb Squad & Explosive Ordnance Disposal (EOD) operations. This robot gives public safety bomb technicians the ability to examine suspicious items and the ability to perform render safe operations on suspected destructive devices or weapons of mass destruction remotely. It also has the capability to interface CRBN & Hazardous Material sensors on the robot to conduct area surveying to determine if an environment is safe for personnel to enter. With this capability, the robot, operators can maintain a safe distance from the incident and move items remotely without jeopardizing the public or personnel.

Cost: $268,000, Quantity: 2

2. **Purpose:**

   To be used during incidents involving suspected destructive devices, CBRN, Hazardous Materials, explosive environments to limit the exposure of public safety bomb technicians.

3. **Authorized Use:**

   This robot is deployed for incidents involving hazardous environments that present a danger to the public and first responders and can only be operated by FBI trained and certified public safety bomb technicians. The use of the robot is dependent on the situation/incident and authorized by the jurisdiction of the agency the Orange County Sheriff's Department – Hazardous Devices Section (HDS) – Bomb Squad is assisting. Use will be approved by the on-scene Bomb Squad Commander.

4. **Expected Life Span:**

   Life expectancy for this type of robotics platform is 10+ years.

5. **Fiscal Impacts:**

   Annual maintenance cost is expected to be $500 a year for each robot.

6. **Training:**

   All OCSD HDS personnel will receive initial training prior to the deployment of this robot. Bomb technicians will be required to undergo annual robotics training to maintain proficiency with this piece of equipment. This annual training will also include scheduled maintenance checks to ensure the robot is being properly maintained and in good working condition to deploy on critical incidents.

7. **Legal & Procedural Rules:**

   The Orange County Sheriff's Department shall only utilize the robot for official law enforcement purposes and pursuant to State and Federal Law.

CATEGORY 2 - Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers

Armored Rescue Vehicles (ARVs): Commercially-produced, ballistically protected, wheeled vehicles designed for law enforcement purposes.

1. **Description, capabilities, quantity and cost:**

   a. LENCO BEAR: The Lenco BEAR is an armored rescue vehicle that provides its occupants with ballistic protection beyond ballistic shields or personal body armor. It offers greater safety to community members and officers during high-risk incidents. It is capable of seating a driver and 10-12 passengers.

      Cost: $293,745, Quantity: 1

   b. LENCO BEARCAT: The Lenco BEARCAT is an armored rescue vehicle that provides its occupants with ballistic protection beyond ballistic shields or personal body armor, offering greater safety to community members and officers during high-risk incidents. The BEARCAT is smaller than the BEAR, providing greater mobility in tight city streets. The BEARCAT is equipped with a gas injection system as well as a camera pole. It is capable of seating a driver and seven (7) passengers.

      Cost: $406,470.63, Quantity: 2 (1 BEARCAT approved by the Board of Supervisors in 2023, yet to be acquired.)

   c. INTERNATIONAL ARMORED GROUP (IAG) ARMORED FORD F350 RESCUE VAN: The IAG Armored Van is an armored rescue vehicle that provides its occupants with ballistic protection beyond ballistic shields or personal body armor. It offers greater safety to community members and officers during high-risk incidents. It is capable of seating a driver and 10-12 passengers.

Cost: $146,275, Quantity: 1

d. FORD E350 ARMORED MEDICAL TRANSPORT VAN (MTV): The Ford E350 Armored MTV is an armored rescue vehicle that provides its occupants with ballistic protection beyond ballistic shields or personal body armor, offering greater safety to community members and officers during high-risk incidents. It is capable of seating a driver and seven (7) passengers.

   Cost: $138,000, Quantity: 1

2. **Purpose:**

   Used in response to critical incidents to enhance officers and community safety, improve scene containment and stabilization, and assist in resolving critical incidents. Additionally, the ARVs may be deployed as displays for community outreach events.

3. **Authorized Use:**

   The ARVs' use shall only be authorized by a Watch Commander or SWAT Commander based on the specific circumstances of a given critical incident. ARVs shall only be used by personnel trained in their deployment and in a manner consistent with Department policies/procedures.

4. **Expected Lifespan:**

   All ARVs have an estimated lifespan of 10-15 years.

5. **Fiscal Impact:**

   a. Lenco BEAR: The Lenco BEAR was purchased in 2005 using UASI grant funding. Annual maintenance cost: $6,600

   b. Lenco BEARCAT: The Lenco BEARCAT was purchased in 2018 using Department funding. An additional BEARCAT will be purchased in 2023 using Department funding. Annual maintenance cost: $12,000

   c. International Armored Group (IAG), Armored Ford F350 Rescue Van: The IAG Armored Rescue Van was purchased in 2018 using Department funding. Annual maintenance cost: $6,000

   d. Ford E350 Armored Medical Transport Van (MTV): The Ford E350 Armored MTV was purchased in 1998 with Department funding. Annual maintenance cost: $6,000

6. **Training:**

   All drivers/operators shall attend formalized instruction in vehicle operations, practical driving instruction, and deployment procedures.

7. **Legal and Procedural Rules:**

   Armored personnel carriers will only be operated by Department members who have been trained in their operation and according to Department Policy.

Tactical Tractor: Commercially produced, ballistically protected, tractor vehicles designed for law enforcement purposes.

1. **Description, capabilities, quantity and cost:**

   THE RING POWER “THE ROOK” TACTICAL TRACTOR: A Caterpillar 299D3 with a cab, A/C, two-speed, self-level, dual level suspension undercarriage, advanced machine information and control system. The ROOK comes equipped with an electro/hydraulic implement control, RH; electro/hydraulic hydrostatic transmission control LH; hand and foot throttle, 12-volt electrical system, 100 ampere alternator, gauges, operator warning system indicators, a cloth seat with an ergonomically contoured armrest and a control interlock system. In addition, the machine carries a Cat C3.8 DIT Turbo, Tier IV

compliant diesel engine that has 98 net HP @ 2500 RPM, SOS Sampling valves, Engine Oil and Hydraulic Oil, Tilt up Radiator/Hydraulic Oil Cooler, Lockable Engine Enclosure, 4 Machine Tie Down Points. The ROOK comes with ballistic resistant glass and is SCBA compatible for Hazardous Material and WMD response. NVR (Network Video Recorder), WIFI, Transmitting Capability and dual modem with FirstNet capability.

Cost: $509,799, Quantity: 1 (Approved by the Board of Supervisors in 2023, yet to be acquired.)

2. **Purpose:**

   Used in response to critical incidents to enhance officers and community safety, improve scene containment and stabilization, and assist in resolving critical incidents. Additionally, the tactical tractor may be deployed as displays for community outreach events.

3. **Authorized Use:**

   The tactical tractor's use shall only be authorized by a Watch Commander or SWAT Commander based on the specific circumstances of a given critical incident. Tactical tractor shall only be used by personnel trained in their deployment.

4. **Expected Lifespan:**

   All tactical tractors have an estimated lifespan of 10-15 years.

5. **Fiscal Impacts:**

   Annual maintenance cost is $6,000.

6. **Training:**

   All drivers/operators shall attend formalized instruction in vehicle operations, practical driving instruction, and deployment procedures.

7. **Legal & Procedural Rules:**

   The Orange County Sheriff's Department shall only utilize the tractor for official law enforcement purposes pursuant to State and Federal Laws.

CATEGORY 3 - High mobility multipurpose wheeled vehicles or vehicles that have a breaching apparatus attached

HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLES (HMMWV): Humvees (HMMWV) are utilized by Department personnel for Search and Rescue transportation as well as parade and non-enforcement special events with community relations programs and the public.

1. **Description, capabilities, quantity and cost:**

   a. AM GENERAL/H1: #M1038, Four door, four-wheel drive utility vehicle with light bar, siren, and casualty litter. Assigned to Search and Rescue.

      Cost: Donated, Quantity: 1

   b. AM GENERAL/H1: Hummer, Four door, four-wheel drive utility vehicle with light bar, siren. Designated for Public Relations events.

      Cost: Donated, Quantity: 3

2. **Purpose:**

   Allow personnel to gain access to areas that patrol vehicles cannot traverse while conducting search and rescue operations. Vehicles are also used for public relations events.

3. **Authorized Use:**

Used in search and rescue operations and public relations events.

4. **Expected Lifespan:**

   An AM General H1 Hummer has an estimated lifespan of 10-15 years.

5. **Fiscal Impact:**

   Annual maintenance cost for each AM General Hummer H1 is approximately $6,000.

6. **Training:**

   Drivers/operators shall receive safe handling and maneuvering training on a closed training course.

7. **Legal and Procedural Rules:**

   High mobility multipurpose wheeled vehicles will only be operated by Department members who have been trained in their operation and according to Department Policy.

CATEGORY 5 - Command and control vehicles

SWAT Mobile Command Vehicle (MCV): A vehicle used during critical incidents as a field-based command post, providing Incident Commanders with access to Department computer systems and radio communication center.

1. **Description, capabilities, quantity and cost:**

   CHEVY C5500 CHASSIS (NORTH-STAR CUSTOM BUILT) VEHICLE: The SWAT MCV is utilized for SWAT/CNT and other critical incidents, significant, preplanned events, searching for missing persons, natural disasters, and community events in which SWAT is involved.

   Cost: $230,728.29, Quantity: 1

2. **Purpose:**

   Used for critical incidents based on the circumstances of a specific event, large event, or natural disaster to effectively and efficiently serve the community.

3. **Authorized Use:**

   Only personnel trained in the use and deployment of the MCV, shall drive the vehicle under the direction of the Special Enforcement Bureau or their designee. Situations where the MCV may be deployed include but are not limited to critical incidents, natural disasters, and emergencies.

4. **Expected Lifespan:**

   The MCV has an estimated lifespan of 15-years; however, upgrades are required in 5-year intervals to maintain communications and IT systems.

5. **Fiscal Impact:**

   The MCV was purchased in 2007 using UASI grant funding. Annual maintenance cost is $5,500.

6. **Training:**

   Drivers/operators shall receive safe handling and maneuvering training on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle with an experienced driver throughout the city. Driver/operators shall also undergo commercial vehicle testing and certification from the California Department of Motor Vehicles.

7. **Legal and Procedural Rules:**

   Command and control vehicles will only be operated by department members who have been trained in their operation and according to Department Policy.

Mobile Command Post Trailer:

1. **Description, capabilities, quantity and cost:**

   2002 AK SPECIALTY COMMAND TRAILER 53': The mobile command post (MCP) trailer provides the Department the technological capabilities during civil unrests, protests, special events, and mutual aid requests. The MCP would provide the Mutual Aid Bureau the ability to deploy the trailer to a scene.

   Cost: $1,500,000, Quantity: 1

2. **Purpose:**

   A vehicle used during critical incidents as a field-based command post, providing Department Members with access to Department computer systems and a radio communication center.

3. **Authorized Use:**

   Only personnel trained in the use and deployment of the MCP, shall drive the vehicle under the direction of the Special Operations Division or their designee. Situations where the MCP may be deployed include but are not limited to critical incidents, natural disasters, and emergencies.

4. **Expected Lifespan:**
   The MCP has an estimated lifespan of 20 years.

5. **Fiscal Impacts:**

   Annual maintenance cost is $100,000.

6. **Training:**

   Operators/driver shall receive safe handling and maneuvering training on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle with an experienced driver throughout the city. Driver/operators shall also undergo commercial vehicle testing and certification from the California Department of Motor Vehicles.

7. **Legal & Procedural Rules:**

   The Orange County Sheriff's Department shall only utilize the MCP for official law enforcement purposes pursuant to State and Federal Laws.

Mobile Command Post (MCP):

1. **Description, capabilities, quantity and cost:**

   2017 FREIGHTLINER M2 40': The mobile command post (MCP) gives the Department the technological capabilities during civil unrests, protests, special events, and mutual aid requests. The MCP would give the Mutual Aid Bureau the ability to deploy the additional trailer to a scene.

   Cost: $714,998.88, Quantity: 1

2. **Purpose:**

   This is a Class "B" truck-based vehicle. The vehicle is assigned to the OCSD Transportation Bureau (#7412). This is deployed for homicides and other major criminal incidents. The Command Post has a small conference room, several general OCSD workstation computers, and a dispatch center. It has the capability of data satellite communications in the event that it is deployed in remote areas. The Command Post has an onboard generator for powering all of the onboard equipment. The onboard generator draws fuel from the vehicle's fuel tank. The Command Post gets connected to a fixed electrical supply ("Shore Power") via an extension cord as soon as possible. If "shore power" is not available, it can be connected to an external, trailer-mounted generator delivered by OCSD Research and Development. The trailer-mounted generator has its own fuel tank which needs to be refilled approximately every 3-4 days by OC

Public Works.

3. **Authorized Use:**

   Only personnel trained in the use and deployment of the MCP, shall drive the vehicle under the direction of the IRC/Transportation Division or their designee. Situations where the MCP may be deployed include but are not limited to critical incidents, natural disasters, and emergencies.

4. **Expected Lifespan:**
   The Mobile Command Post has an estimated lifespan of 15-20 years.

5. **Fiscal Impacts:**

   Annual maintenance cost is approximately $15,000.

6. **Training:**

   Operators/driver shall receive safe handling and maneuvering training on a closed training course. Once the operators/driver has shown competence in vehicle handling, the operators/driver will drive the vehicle with an experienced driver throughout the city. Operators/driver shall also undergo commercial vehicle testing and certification from the California Department of Motor Vehicles.

7. **Legal & Procedural Rules:**

   The Orange County Sheriff's Department shall only utilize the MCP for official law enforcement purposes pursuant to State and Federal Laws.

Mobile Command Center (MCC):

1. **Description, capabilities, quantity and cost:**

   2006 SPARTAN CHASSIS EAGLE 40': The Mobile Command Center (MCC) provides the Department technological capabilities during civil unrests, protests, special events, and mutual aid requests. The project would give the Mutual Aid Bureau the ability to deploy the MCC to the scene.

   Cost: $365,117, Quantity: 1

2. **Purpose:**

   This is a Class "B" truck-based vehicle is assigned to the OCSD Transportation Bureau (#7412). This is deployed for homicides and other major criminal incidents. The MCC has a small conference room, several general OCSD workstation computers, and a dispatch center. It has the capability of data satellite communications in the event that it is deployed in remote areas. The MCC has an onboard generator for powering all of the onboard equipment. The onboard generator draws fuel from the vehicle's fuel tank. The MCC gets connected to a fixed electrical supply ("shore power") via an extension cord as soon as possible. If "shore power" is not available, it can be connected to an external, trailer-mounted generator delivered by OCSD Research and Development. The trailer-mounted generator has its own fuel tank which needs to be refilled approximately every 3-4 days by OC Public Works.

3. **Authorized Use:**

   Only personnel trained in the use and deployment of the MCP, shall drive the vehicle under the direction of the IRC/Transportation Division or their designee. Situations where the MCP may be deployed include but are not limited to critical incidents, natural disasters, and emergencies.

4. **Expected Lifespan:**
   The Mobile Command Center has an estimated lifespan of 15-20 years.

5. **Fiscal Impacts:**

   Annual maintenance cost is approximately $15,000.

6. **Training:**

   Operators/driver shall receive safe handling and maneuvering training on a closed training course. Once the operators/driver has shown competence in vehicle handling, the operators/driver will drive the vehicle with an experienced driver throughout the city. Operators/driver shall also undergo commercial vehicle testing and certification from the California Department of Motor Vehicles.

7. **Legal & Procedural Rules:**

   The Orange County Sheriff's Department shall only utilize the MCC for official law enforcement purposes pursuant to State and Federal Laws.

Mobile Command Trailer:

1. **Description, capabilities, quantity and cost:**

   KEYSTONE 30': The Mobile Command Trailer (MCT) is an enclosed 2004 Keystone travel trailer approximately 30' in length. The MCT has a small conference table/workstation suitable for at least two laptop computers. It also has dispatch capabilities for 800 MHZ and 400MHZ, an on-board generator, a printer, and two TV monitors for camera downloads or computer screen sharing.

   Cost: $0, Acquired through HCA at no cost, Quantity: 1

2. **Purpose:**

   Primarily used for Search and Rescue missions but has the capabilities to assist during civil unrests, protests, special events, and mutual aid requests. A vehicle used during critical incidents as a field-based command post, providing Incident Commanders with access to Department computer systems (via laptop) and, radio communication center.

3. **Authorized Use:**

   Authorized Use: Only personnel trained in the use and deployment of this MCT, shall tow the vehicle under the direction of the Special Operations Division or their designee. Situations where the MCT may be deployed include but are not limited to critical incidents, natural disasters, and emergencies.

4. **Expected Lifespan:**
   The Command Trailer has an estimated lifespan of 20-25 years.

5. **Fiscal Impacts:**

   Annual maintenance cost is $2,500.

6. **Training:**

   Drivers/operators shall receive safe handling and maneuvering training on a closed training course. Once the driver/operator has shown competence in vehicle towing and handling, the driver/operator will tow the vehicle with an experienced driver throughout the county when needed.

7. **Legal & Procedural Rules:**

   The Orange County Sheriff's Department shall only utilize the MCT for official law enforcement purposes pursuant to State and Federal Laws.

Mobile Command Post Trailer:

1. **Description, capabilities, quantity and cost:**

   BRAUN NORTHWEST FORD F750 CHASSIS MOBILE COMMAND POST (MCP) TRAILER: The Braun Northwest Ford F750 Chassis mobile command post (MCP) trailer provides Department technology capabilities during civil unrest, protests, special events, and mutual aid requests. The acquisition of this MCP will give the Mutual Aid Bureau the ability to deploy the trailer to a scene.

Cost: $1,500,000, Quantity: 1 (Approved by the Board of Supervisors in 2023, yet to be acquired.)

2. **Purpose:**

   A vehicle used during critical incidents as a field- based command post, providing Department Members access to Department computer systems and radio a communication center.

3. **Authorized Use:**

   Only personnel trained in the use and deployment of the MCP, shall drive the vehicle under the direction of the Special Operations Division or their designee. Situations where the MCP may be deployed include but are not limited to critical incidents, natural disasters, and emergencies.

4. **Expected Lifespan:**

   Estimated lifespan of 20 years

5. **Fiscal Impacts:**

   Annual maintenance cost is $5,000.

6. **Training:**

   Drivers/Operators shall receive safe handling and maneuvering training on a closed training course. Once the driver/operator has shown competence in vehicle handling, the driver/operator will drive the vehicle with an experienced driver throughout the city. Driver/operators shall also undergo commercial vehicle testing and certification from the California Department of Motor Vehicles.

7. **Legal & Procedural Rules:**

   The Orange County Sheriff's Department shall only utilize the MCP for official law enforcement purposes pursuant to State and Federal Laws.

CATEGORY 7 - Battering rams, slugs and breaching apparatuses that are explosive in nature

Breaching Shotguns and Munitions: Shotguns and specialty munitions utilized to access secured structures.

1. **Description, capabilities, quantity and cost:**

   a. BREACHING SHOTGUN MODIFIED REMINGTON 870: Remington 870 shotgun modified for breaching- The breaching shotgun is a Remington 870 shotgun that is shortened and modified to improve maneuverability and effectiveness to access structures in a tactical environment.

      Cost: $1,000, Quantity: 3

   b. ROYAL ARMS TESAR-1 ORANGE CAP 275 GR. COPPER FRANGIBLE: The 12-gauge Royal Arms Tesar-1 Breaching Round is a 12-gauge shell loaded with a compressed copper frangible slug. It is a widely used method to breach door locks or hinges for entry during tactical operations. When properly deployed, the Royal Arms Tesar-1 Breaching Round can defeat door lock mechanisms, doorknobs, hinges, deadbolts, safety chains, and padlocks on both solid wood or hollow core doors. Upon impact with the target, the compressed copper slug disintegrates into a fine powder reducing fragmentation.

      Cost: $8, Quantity: 149

   c. ROYAL ARMS TESAR-2 BLACK CAP 425 GR. COPPER FRANGIBLE: The 12-gauge Royal Arms Tesar-2 Breaching Round is a 12-gauge shell loaded with a compressed copper frangible slug. It is a widely used method to breach door locks or hinges for entry during tactical operations. When properly deployed, the Royal Arms, Tesar-2 Breaching Round can defeat door lock mechanism, doorknobs, hinges, deadbolts, safety chains, and padlocks on metal doors, solid wood, or hollow core doors. Upon impact with the target, the compressed copper slug disintegrates into a fine powder reducing fragmentation.

      Cost: $8, Quantity: 138

d. ROYAL ARMS TESAR-1 – ORANGE CAP – 260 GR.: The 12 gauge 2-3/4" Royal Arms Tesar #1 Breaching Round is a 12 gauge shell loaded with a compressed copper frangible slug. It is a widely used method to breach door locks or hinges for entry during tactical operations. When properly deployed, the Royal Arms Tesar #1 Breaching Round can defeat solid wood doors, locks, and hinges. Upon contact with the target, the compressed copper slug disintegrates into a fine powder reducing fragmentation.

   Cost per round $8, Quantity: 72 rounds (Munitions inadvertently omitted from 2023 inventory.)

e. ROYAL ARMS TESAR-2 – BLACK CAP – 400 GR.: The 12 gauge 2-3/4" Royal Arms is a 12 gauge shell loaded with a compressed copper frangible slug. It is a widely used method to breach door locks or hinges for entry during tactical operations. When properly deployed, the Royal Arms Tesar #2 Breaching Round can defeat wood doors, locks, cross-bolts, and hinges. Upon contact with the target, the compressed copper slug disintegrates into a fine powder reducing fragmentation.

   Cost per round $6.50, Quantity: 96 rounds (Munitions inadvertently omitted from 2023 inventory.)

f. FTR-P1 TRAINING ROUNDS – 48 GR.: The 12 gauge 2-3/4" Royal Arms is a 12 gauge shell loaded with loaded with #4 polyethylene shot. With proper training, this round can be used in "Less Than Lethal" Riot, Crowd Control, and animal applications.

   Cost per round $2.50, Quantity: 82 rounds (Munitions inadvertently omitted from 2023 inventory.)

2. **Purpose:**

   Used to defeat locking mechanisms on doors or gates to quickly gain access to a structure.

3. **Authorized Use:**

   Breaching shotguns and munitions shall only be utilized by trained members of the Department's SWAT Team.

4. **Expected Lifespan:**

   a. Remington Breaching Shotguns: 10 years.

   b. Royal Arms Breaching Rounds: 5 years.

5. **Fiscal Impact:**

   Annual maintenance of shotguns is approximately $250.

6. **Training:**

   All SWAT Team members deploying breaching shotguns and munitions shall receive initial training before utilizing them in the field.

7. **Legal and Procedural Rules:**

   The Department will only utilize breaching shotguns and munitions for official law enforcement purposes in accordance with State and Federal laws.

CATEGORY 8 - Firearms of .50 caliber or greater

Rifles: Shoulder-fired firearms, with rifling cut into its barrel, intended to cause projectiles to spin, improving accuracy over a long distance.

1. **Description, capabilities, quantity and cost:**

   MCMILLAN TAC-50 - .50 CALIBER: the McMillan TAC-50 Tactical Rifle features a 29" match grade fluted barrel, Jewel trigger, long range high powered scope, detachable magazine, and gray finish. The McMillan TAC-50 delivers optimal long range accuracy and reliability.

Cost: $12,850, Quantity: 2

2. **Purpose:**

   Used as precision weapons to address threats that exceed the capability of the Department's standard-issue handgun.

3. **Authorized Use:**

   Only members POST certified in the use of the rifle are authorized to deploy them in the field.

4. **Expected Lifespan:**

   MCMILLAN TAC 50 Rifle: 10 years.

5. **Fiscal Impact:**

   Annual maintenance for each rifle is approximately $100.

6. **Training:**

   Prior to deploying a rifle, members must complete a POST certified course in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification according to Department policy.

7. **Legal and Procedural Rules:**

   The Department will only utilize firearms in accordance with State laws, Federal laws and Department policy.

CATEGORY 9 - Ammunition of .50 caliber or greater

1. **Description, capabilities, quantity and cost:**

   H&M .50 CALIBER 750 GRAIN RIFLE ROUND: The H&M .50 Caliber rifle ammunition is loaded to stringent specifications to guarantee proper ignition and provide consistent, pinpoint accuracy. Each component was selected to ensure uniformity which when coupled with strict quality control means that each round will be loaded to the proper length, consistent charges, consistent pressure, optimal velocity, and repeatable accuracy. This 50 BMG ammunition performs as well or better than hand loads. This rifle ammunition is loaded with one of the most accurate and consistent match bullets in the world: the 750 grain A-Max Boat Tail. Coupled with precision swagged cores and manufactured to the tightest standards in the industry.

   Cost: $8 per round, Quantity: 100

2. **Purpose:**

   To be used in Department rifles to address lethal threats to the community and Department personnel with greater accuracy, enhancing community safety.

3. **Authorized Use:**

   Only members who are POST certified in the use of the rifle are authorized to utilize rifle ammunition.

4. **Expected Lifespan:**

   The ammunition listed above does not have an expiration date.

5. **Fiscal Impact:**

   The Department budgets $196,000 annually for all Department firearm ammunition.

6. **Training:**

   Prior to deploying a rifle, Members must complete a POST certified course in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification according to Department policy.

7. **Legal and Procedural Rules:**

   The Department will only utilize firearms in accordance with State laws, Federal laws and Department policy.

CATEGORY 10 - Specialized firearms and ammunition of less than .50 caliber

Rifles: Shoulder-fired firearms, with rifling cut into its barrel, intended to cause projectiles to spin, improving accuracy over a long distance.

1. **Description, capabilities, quantity and cost:**

   a. AR-15 Style .223/5.56 Rifle - A lightweight, shoulder-fired, magazine-fed, gas- operated, rifle with a long spirally grooved barrel intended to make a bullet spin and thereby have greater accuracy over a long distance with greater ballistic capabilities than a pistol. Modular accessories aiding in the operation and use may vary on each individual rifle.

      I. 2A ARMAMENT BALIOS 5.56 RIFLE - Cost: Donated, Quantity: 2

      II. BARRETT REC7 5.56 RIFLE - Cost: Donated, Quantity: 1

      III. BRAVO COMPANY BCM4 5.56 RIFLE - Cost: $1,499.99, Quantity: 396 (200 to be acquired in fiscal year 2024-2025 pending approval by the Board of Supervisors.)

      IV. COLT M4 CARBINE 5.56 RIFLE - Cost: $1,199 Quantity: 433

      V. DANIEL DEFENSE DDM4 5.56 RIFLE - Cost: Donated, Quantity: 42

      VI. FABRIQUE NATIONALE FN 15 5.56 RIFLE - Cost: Donated, Quantity: 13

      VII. GEISSELE SUPER DUTY RIFLE 5.56 RIFLE - Cost: Donated, Quantity: 4

      VIII. JUGGERNAUT JT-15 5.56 RIFLE - Cost: Donated, Quantity: 1

      IX. LEWIS MACHINE AND TOOL LMT DEFENDER 5.56 RIFLE - Cost: Donated, Quantity: 1

      X. LWRC IC-DI 5.56 RIFLE - Cost: Donated, Quantity: 6

      XI. NOVESKE N3 5.56 RIFLE - Cost: Donated, Quantity: 2

      XII. RADIAN MODEL 1 5.56 RIFLE - Cost: Donated, Quantity: 1

      XIII. ROCK RIVER LAR-15 5.56 RIFLE - Cost: $1,025, Quantity: 5

      XIV. RUGER AR-556 5.56 RIFLE - Cost: Donated, Quantity: 1

      XV. SMITH & WESSON M&P 15 5.56 RIFLE - Cost: Donated, Quantity: 21

      XVI. SPRINGFIELD ARMORY SAINT EDGE 5.56 RIFLE - Cost: Donated, Quantity: 13

   b. SURGEON SCALPEL 591 SHORT ACTION TACTICAL RIFLE, .308 CALIBER, equipped with rifle High/Low Power Magnification Scope and sound suppressor - Surgeon Rifle's Model Scalpel 591 Short Action Tactical Rifle features an 18" Heavy MTU style barrel, low/high power rifle scope, sound suppressor, detachable magazine, Accuracy International FDE Chassis, muzzle break, and Trigger Tech trigger. The Surgeon Scalpel 591 Rifle is built around precision.

      Cost: $9,800, Quantity: 12

c. LaRue Tactical Optimized Battle (OBR) Rifle, .308 Caliber - The Larue OBR 7.62, AR10 Style rifle features a 16.1" barrel, Larue MBT Trigger, Magpul PRS Stock, sound suppressor, and detachable magazine. The Larue OBR is precision built rifle focused on accuracy. The rifle is an AR10 platform which allows for a higher capacity of ammunition in a detachable magazine.

Cost: $8,815, Quantity: 3

2. Purpose:

A precision weapon used to address a threat with more accuracy at greater distances than a handgun.

3. Authorized Use:

Only members POST certified in the use of the rifle are authorized to deploy them in the field.

4. Expected Lifespan:

a. AR-15 style .223/5.56 rifles listed above have an expected lifespan between 5 and 10 years depending upon use.

b. Surgeon Scalpel 591 Tactical Rifle: 8 years.

c. LaRue Tactical Rifle: 8 Years

5. Fiscal Impact:

Annual maintenance for each rifle is approximately $100.

6. Training:

Prior to deploying a rifle, members must complete a POST certified course in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification according to Department policy.

7. Legal and Procedural Rules:

The Department will only utilize firearms in accordance with State laws, Federal laws and Department policy.

Rifle Ammunition: Ammunition specifically designed for use in Department rifles.

1. Description, capabilities, quantity and cost:

a. SPEER, .223 CALIBER, 62 GR., GOLD DOT SOFT POINT RIFLE AMMUNITION: The Speer .223 Gold Dot Soft Point rifle round is built with a 62 grain lead projectile encased with a copper jacket with the lead tip exposed. The projectile is designed to deform upon impact to significantly limit the amount of over-penetration past the intended barrier. This ammunition is the current issued duty rifle ammunition for duty rifles.

Cost: .51¢ per round, Quantity: 154,084 rounds

b. BLACK HILLS 5.56 CALIBER 62 GR. TSX RIFLE ROUND: The Black Hills 5.56 Caliber TSX rifle round is built with a 62 grain triple shock (TSX) proprietary bullet constructed of 100 percent copper and contains no lead. These bullets typically retain 100 percent of their original weight and are regarded as one of the best performing 5.56 Caliber loads available.

Cost: $1.40 per round, Quantity: 3,900 rounds

c. BLACK HILLS 5.56 CALIBER 77 GR. OTM RIFLE ROUND: The Black Hills 5.56 Caliber 77 OTM rifle round is a precision built bullet with a 77 grain Sierra Open Tip Match (OTM) bullet. It features a boat tail design to improve long range accuracy. The bullet jacket is constructed of a copper-alloy which is harder than other lead materials.

Cost: $1.06 per round, Quantity: 1,500 rounds

d. FEDERAL AMERICAN EAGLE .223/5.56 CALIBER TRAINING AMMUNITION: Federal XM193X American Eagle 5.56x45mm NATO 55 grain Full Metal Jacket Boat Tail - American Eagle rifle ammunition offers consistent, accurate performance at a price that's perfect for high-volume shooting. The loads feature quality bullets, reloadable brass cases and dependable primers.

   Cost: .30¢ per round, Quantity: 591,500 rounds

e. FEDERAL.223/5.56 CALIBER FRANGIBLE TRAINING AMMUNITION: FederalFrangible .223 Remington ammunition is loaded with a 42 grain Reduced Hazard Training (RHT) bullet. BallistiClean features frangible Reduced Hazard Training bullets that breakup immediately on contact with metal targets, significantly reducing ricochet and backlash danger. BallistiClean loads feature a copper-plated primer and a “NT" (non-toxic) headstamp to clearly identify BallistiClean as a training round at a glance, eliminating confusion with duty rounds. With this Federal ammunition, range operators have no hazardous waste disposal problems and it meets or exceeds all OSHA and EPA standards.

   Cost: .58¢, Quantity: 177,700 rounds

f. FEDERAL GOLD MEDAL .308 168 GR. RIFLE ROUND: The Federal Gold Medal .308 Winchester ammunition is new production ammo that features a 168 Grain Sierra MatchKing Hollow Point Boat Tail bullet and a non-corrosive boxer primer. The .308 Winchester ammunition has a brand new never fired virgin brass casing that can be reloaded up to seven times for those shooters that reload their .308 Winchester ammunition. Sierra MatchKing Boat-tail bullet with Federal's proprietary delivery system. Federal's Gold Medal.308 Winchester ammo offers a muzzle speed of 2,650 feet per second and muzzle energy of 2,619 foot pounds.

   Cost: .78¢ per round, Quantity: 5,000 rounds

g. HORNADY A-MAX TAP .308 CALIBER TRAINING AMMUNITION: The Hornady A-MAX TAP .308 Winchester 168 grain ammunition offers industry leading all-around performance for law enforcement marksmen providing the ability to stop a threat.

   Cost: 98¢ per round, Quantity: 16,800 rounds (To be acquired in fiscal year 2024-2025 pending approval by the Board of Supervisors.)

h. FEDERAL CATALYST .223 CALIBER LEAD-FREE PRIMER TRAINING AMMUNITION: The Federal American Eagle Catalyst .223 Remington 55 grain ammunition features a lead-free primer and a full metal jacket projectile. American Eagle rifle ammunition offers consistent, accurate performance at a price that's perfect for high-volume shooting. The loads feature quality bullets, reloadable brass cases and dependable primers.

   Cost: 55¢ per round, Quantity: 352,000 rounds (To be acquired in fiscal year 2024-2025 pending approval by the Board of Supervisors.)

i. WINCHESTER .223 CALIBER FULL METAL JACKET (FMJ) TRAINING AMMUNITION: The Winchester .223 Remington 55 grain ammunition consists of only a copper alloy jacket and a lead core, which is ideal for target shooting when terminal expansion would provide no benefit to performance.

   Cost: 44¢ per round, Quantity: 0 rounds (Munitions inadvertently omitted from 2023 inventory.)

2. Purpose:

To be used in Department rifles to address lethal threats to the community and Department personnel with greater accuracy, enhancing community safety.

3. Authorized Use:

Only members POST certified in the use of the rifle are authorized to utilize rifle ammunition.

4. **Expected Lifespan:**

   The ammunition listed above does not have an expiration date.

5. **Fiscal Impact:**

   The Department budgets $680,000 annually for all Department firearm ammunition to include rifle, handgun, and shotgun ammunition. Approximately $200,000 of the ammunition budget is used for ordering rifle ammunition.

6. **Training:**

   Prior to deploying a rifle, members must complete a POST certified course in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification according to Department policy.

7. **Legal and Procedural Rules:**

   The Department will only utilize firearms in accordance with State laws, Federal laws and Department policy.

CATEGORY 12 - Flash-bang devices and munitions containing tear gas or oleoresin capsicum

Sting-Ball: A device used as a crowd management tool.

1. **Description, capabilities, quantity and cost:**

   CTS #9590, #9593, #9594 - NON IRRITANT STING-BALL: These less lethal devices are multi- effect with a loud blast, bright flash and dispersion of stinging approximately 180 .31 caliber rubber balls. There is a fuse delay approximately 2.5 seconds with an approximate 50 foot effective radius. This device can be used as a diversionary device as well as less lethal.

   Cost: $56.65, Quantity: 449

2. **Purpose:**

   Lawful application of force delivered with the intent to subdue or render non-threatening. The less lethal munitions may be used as an option to de-escalate a potentially dangerous/deadly situation, with a reduced potential for death or serious injury to all persons involved. It is accepted that the probability exists for bodily harm to occur. However, it must also be accepted that the application of such force may be the only alternative to using lethal force to stop the subject's actions.

3. **Authorized Use:**

   Situations where the deployment of less-lethal impact or munitions are authorized include but are not limited to:

   a. Self-destructive, dangerous, and/or combative individuals

   b. Circumstances where a tactical advantage can be obtained

4. **Expected Lifespan:**

   Sting-balls have a life span of 5 years.

5. **Fiscal Impact:**

   Annual maintenance for all sting-balls is $50 total.

6. **Training:**

   Prior to deploying the Sting-Ball, members must complete a POST certified course in the operation of

the Sting-Ball. Additionally, all members that operate any Less Lethal Devices are required to pass a qualification course of instruction according to Department policy.

7. **Legal and Procedural Rules:**

   The Department will only utilize less lethal devices in accordance with State laws, Federal laws and Department policy.

Light Sound Diversionary Devices (LSDD): A device used to distract or divert a person's attention.

1. **Description, capabilities, quantity and cost:**

   a. COMBINED TACTICAL SYSTEMS, 7290 FLASH-BANG: A non-bursting, non-fragmenting, light sound diversionary device that emits a bright light and thunderous noise. Ideal for distracting or diverting a potentially dangerous person's or persons' attention. Cost: $39.53, Quantity: 0

   b. COMBINED TACTICAL SYSTEMS, 7290M MINI FLASH-BANG: A non-bursting, non-fragmenting, light sound diversionary device that emits a bright light and thunderous noise. Ideal for distracting or diverting a potentially dangerous person's or persons' attention. Cost: $37.15, Quantity: 125

   c. COMBINED TACTICAL SYSTEMS, 7290-9 FLASH-BANG: A non-bursting, non-fragmenting light sound diversionary device that provides 9 unique flash bang actions within a single hand safe assembly.

      Cost: $125, Quantity: 0

2. **Purpose:**

   A light sound diversionary device is ideal for distracting or diverting a person's or persons' attention by emitting a bright light and thunderous noise.

3. **Authorized Use:**

   Light sound diversionary devices shall only be used by trained members of the Department's SWAT Team.

4. **Expected Lifespan:**

   Until deployed.

5. **Fiscal Impact:**

   No annual maintenance.

6. **Training:**

   Prior to deploying a light sound diversionary device, members must complete a POST certified course in the operation of the light sound diversionary device. Additionally, all members that operate any rifle are required to pass a range qualification according to Department policy.

7. **Legal and Procedural Rules:**

   The Department will only utilize light sound diversionary devices for official law enforcement purposes and pursuant to State and Federal law.

PepperBall Launcher and Munitions: A device that allows a law enforcement officer to maintain distance from an assailant or crowd.

1. **Description, capabilities, quantity and cost:**

   a. TIPPMANN PEPPERBALL LAUNCHER: Semi-automatic, gas operated launcher, gravity feed, steel barrel with charging handle. The safety is a push button, cross bolt trigger safety. It will launch a standard Pepperball projectile. The projectiles are fired at the velocity of between 300 to 380 feet

per second. It has approximately 8 to 10 foot pounds of kinetic energy. Target range is 0-30 feet (individual) and a maximum range of 100 feet (area of saturation).

Cost: $199.95 (with loader), Quantity: 188 (14 to be acquired in fiscal year 2024-2025 pending approval by the Board of Supervisors.)

b. PEPPERBALL INERT PRACTICE PROJECTILES: Projectiles contain a harmless, scented powder, best suited for practice or direct impact when chemical exposure is not desired, .68 caliber and weigh 3 grams. Cost: .89¢ each, Quantity: 44,315

c. LIVE SD™ PROJECTILES: Projectiles contain 2.0% PAVA. It is effective for direct impact and area saturation. .68 caliber and weighs 3 grams. Cost: $2.78 each, Quantity: 52,713

2. Purpose:

Lawful application of force delivered with the intent to subdue or render non-threatening. The less lethal munitions may be used as an option to de-escalate a potentially dangerous/deadly situation, with a reduced potential for death or serious injury to all persons involved. It is accepted that the probability exists for bodily harm to occur. However, it must also be accepted that the application of such force may be the only alternative to using lethal force to stop the subject's actions.

3. Authorized Use:

Situations where the deployment of less-lethal impact or munitions are authorized include but are not limited to:

a. Self-destructive, dangerous, and/or combative individuals

b. Circumstances where a tactical advantage can be obtained

4. Expected Lifespan:

a. Tippmann Pepperball Launcher: 20 years.

b. All Pepperball projectiles have a life span of 3 years.

5. Fiscal Impact:

Annual maintenance for the Tippmann Pepperball Launcher is approximately $50 each.

6. Training:

Prior to deploying the pepper ball launcher and munitions, members must complete a POST certified course in the operation of the pepper ball launcher. Additionally, all members that operate any less lethal devices are required to pass a qualification course of instruction according to Department policy.

7. Legal and Procedural Rules:

The Department will only utilize less lethal devices in accordance with State laws, Federal laws and Department policy.

Chemical Agent and Smoke Canisters: Canisters that disburse chemical agents and/or smoke when deployed.

1. Description, capabilities, quantity and cost:

a. Combined Tactical Systems, CS Canister, #5230 - The 5230 CS Canister is a large diameter burning device that discharges a high volume of smoke and chemical agent through multiple emission ports. It expels its payload in approximately 20-40 seconds. The payload is discharged through five emission ports. This launchable canister is 6.20 in. by 2.6 in and holds approximately 100 gm of active agent.

Cost: $27.92, Quantity: 55

b. Combined Tactical Systems, Outdoor Tactical CS, #8230 - The 8230 Outdoor tactical CS is the smallest diameter burning device that discharges high volume of smoke and chemical agent through multiple emission ports. It expels its payload in approximately 20-40 seconds. This launchable device is 4.90 in. by 1.41 in and holds approximately 195 gm of active agent.

   Cost: $21.12, Quantity: 92

c. Combined Tactical Systems, White/Blue/Red Smoke Canister, #5210 - The 5210 White/Blue/Red Smoke Canister is a pyrotechnic smoke device used for concealment or as a signaling device. It expels its payload in approximately 20-40 seconds. The payload is discharged through five emission ports. This launchable canister is 6.20 in by 2.60 in and holds approximately 460 gm of active smoke.

   Cost: $26.41, Quantity: 32

d. Defense Technology, CS Spede-heat Continuous Discharge Chemical CS #1072 - The Spede-Heat CS is high volume, continuous burn and it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable device is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.

   Cost: $26.66, Quantity: 10

e. Combined Tactical Systems, CS Canister Baffled Grenade, #5230B - The 5230B CS Canister Baffled Grenade is a large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. It expels its payload in approximately 20-40 seconds. The payload is discharged through four emission ports. This launchable canister is 6.20 in. by 2.6 in and holds approximately 25 gm of active agent.

   Cost: $43, Quantity: 54

2. Purpose:

Lawful application of force delivered with the intent to subdue or render non-threatening. The less lethal munitions may be used as an option to de-escalate a potentially dangerous/deadly situation, with a reduced potential for death or serious injury to all persons involved. It is accepted that the probability exists for bodily harm to occur. However, it must also be accepted that the application of such force may be the only alternative to using lethal force to stop the subject's actions.

3. Authorized Use:

Situations where the deployment of less-lethal impact or chemical munitions are authorized include but are not limited to:

a. Self-destructive, dangerous, and/or combative individuals

b. Circumstances where a tactical advantage can be obtained

c. Tactical situations involving the deployment of the Department's SWAT Team.

4. Expected Lifespan:

5 years from manufacturing date.

5. Fiscal Impact:

No annual maintenance costs.

6. Training:

Prior to deploying Chemical Agent and Smoke Canisters, members must complete a POST certified course in the operation of Chemical Agent and Smoke Canisters. Additionally, all members that operate any Less Lethal Devices are required to pass a qualification course of instruction according to

Department policy.

7. **Legal and Procedural Rules:**

   The Department will only utilize chemical munitions in accordance with State laws, Federal laws and Department policy.

CATEGORY 13 - SPECIALIZED TACTICAL EQUIPMENT (CRISIS NEGOTIATIONS TEAM - CNT):

Long Range Acoustic Device (LRAD): The LRAD is a high-intensity directional acoustical array for long-range, crystal clear hailing, notification, and an unmistakable warning tone. The LRAD is primarily used as a communication device.

1. **Description, cost, quantity, and capabilities:**

   LONG RANGE ACOUSTIC DEVICE (LRAD) 100X: Self-contained, portable, and featuring an extended voice broadcast range out to 600 meters, the LRAD 100X ensures voice messages are clearly broadcasted. LRAD's optimized driver, waveguide, and power efficiency technology enables the LRAD 100X to provide several hours of clear, continuous communication from a single battery charge.

   Cost: $13,129.27, Quantity: 2.

2. **Purpose:**

   To establish a focused, directional sound pattern for targeted communication with subjects in buildings, vehicles, and any other individual within a 600-meter radius. The LRAD 100X ensures law enforcement officers will be able to communicate at a safe distance from the subject. The LRAD 100X may also be used to issue a warning tone.

3. **Authorized Use:**

   The LRAD 100X shall only be used by personnel trained in its deployment and used in a manner consistent with State and Federal law and training.

4. **Lifespan:**

   LRAD 100X has an estimated lifespan of 10-25 years.

5. **Fiscal Impact:**

   Annual maintenance cost of approximately $300.

6. **Training:**

   All operators shall receive initial training before deploying the LRAD 100X in the field.

7. **Legal and Procedural Rules:**

   The Department shall only utilize the LRAD 100X for official law enforcement purposes and pursuant to State and Federal Laws.

CATEGORY 14 - Kinetic energy weapons and munitions

Less Lethal Remington 870, 12-gauge pump action shotgun and munitions:

1. **Description, capabilities, quantity and cost:**

   a. LESS LETHAL REMINGTON 870, 12-GAUGE ACTION SHOTGUN: The Remington 870, 12-gauge shotgun has a receiver mounted side saddle, a fore-end mounted flashlight and three-point sling. The stock is painted "ORANGE".

      Cost: $400, Quantity: 95

   b. REMINGTON 870, 12-GAUGE ACTION SHOTGUN: The Remington 870, 12-gauge shotgun has a

receiver mounted side saddle ammunition holder for carrying launching cartridges. It has a fore-end mounted flashlight and three-point sling. The stock is painted "GREEN". This shotgun was modified to fit the Model LC5 launching cup by CTS.

Cost: $400, Quantity: 2

c. COMBINED TACTICAL SYSTEMS, 2581 12 GAUGE SUPER-SOCK BEAN BAG, POINT CONTROL IMPACT MUNITION: The 2581 12-gauge super-sock bean bag is fired with the Remington 870, 12-gauge action shotgun. The 2581-12 super sock bean bag weighs 40 grams and has a terminal velocity of 280 ft. per second and delivers kinetic impact energy. The 2581-12-gauge super sock bean bag is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The super-sock is an aerodynamic projectile, and its accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The optimal fire distance of the super-sock is 10 to 40 feet. The effective range is 75 feet. Cost: $5.18, Quantity: 3,419

d. COMBINED TACTICAL SYSTEMS, 2600-12 GAUGE LAUNCHING CARTRIDGE MUNITION: The Model 2600 Launching Cartridge is a shortened 12 Gauge cartridge designed to be manually loaded into the chamber for each shot, and used in conjunction with the Model LC5 launching cup.

Cost: $5.50, Quantity: 0

2. Purpose:

Lawful application of force delivered with the intent to subdue or render non-threatening. The less lethal munitions may be used as an option to de-escalate a potentially dangerous/deadly situation, with a reduced potential for death or serious injury to all persons involved. It is accepted that the probability exists for bodily harm to occur, however, it must also be accepted that the application of such force may be the only alternative to using lethal force to stop the subject's actions.

3. Authorized Use:

Situations when the deployment of less-lethal impact or munitions are authorized include, but are not limited to self-destructive, dangerous, and/or combative individuals.

4. Expected Lifespan:

a. Remington 870, 12-gauge pump action shotgun: 10 years.

b. 2581-12-gauge super sock bean bag: 5 years.

c. 2600-12-gauge launching cartridges: 5 years.

d. LC5-Launching cup: 5 years.

5. Fiscal Impact:

Annual maintenance for the Remington 870, 12-gauge pump action shotgun is approximately $50 each.

6. Training:

Prior to deploying the less lethal shotgun, members must complete a POST certified course in the operation of less lethal shotguns. Additionally, all members that operate any less lethal devices are required to pass a qualification course of instruction according to Department policy.

7. Legal and Procedural Rules:

The Department will only utilize less lethal devices in accordance with State laws, Federal laws and Department policy.

40MM Launchers and Munitions: 40MM Launchers are utilized by Department personnel as a less lethal tool

to deploy less lethal impact munitions.

1. **Description, capabilities, quantity and cost:**

   a. PENN ARMS SINGLE SHOT LAUNCHER, #L140: The 40MM single-shot, break-open frame, launcher with a rifled barrel, fixed stock and combo rail. Features include: Double- action trigger, trigger lock push button and hammer lock safeties. It will fire standard 40MM less lethal ammunition, up to 6 inches in cartridge length. It will launch a 40MM less lethal round up to 150 feet.

   Cost: $999.80, Quantity: 96 (12 to be acquired in fiscal year 2024-2025 pending approval by the Board of Supervisors.)

   b. PENN ARMS MULTI-SHOT LAUNCHER, #L540: The 40MM multi-shot spring-advance magazine drum launcher with a six-shot capacity, rifled barrel, 6-inch cylinder and break-action loading. Spring cylinder advance actuated by trigger pull. The safety is a push button, cross bolt trigger safety. It will fire standard 40MM less lethal ammunition, up to 6 inches in cartridge length. It will launch a 40MM less lethal round up to 150 feet.

   Cost: $2,782.07, Quantity: 25

   c. DEFENSE TECHNOLOGY 40MM LESS LETHAL LAUNCHER (LMT): 40MM single-shot break-open frame launcher with a rifled barrel, fixed stock and combo rail. Features include: Double-action trigger, trigger lock push button and hammer lock safeties.

   Cost: $1,131, Quantity: 150 (To be acquired in fiscal year 2024-2025 pending approval by the Board of Supervisors.)

   d. COMBINED TACTICAL SYSTEMS, 40MM EXACT IMPACT SPONGE ROUND, #4557: A less lethal 40MM sponge round that is smokeless, spin stabilized and 4 inches long. The 40MM sponge projectile is fired from a single or multi-round purpose-built 40MM Launcher. The 60-gram sponge baton is a spin-stabilized projectile delivering blunt trauma effect. The 40MM exact impact sponge round provides an accurate and effective performance when fired from the approved distance of no less than five (5) feet from the target. The optimal Range for the 40MM sponge round is 10 to 75 feet.

   Cost: $18.85, Quantity: 8,329

   e. COMBINED TACTICAL SYSTEMS, 40MM .60 CAL. STING-BALLS, SMOKELESS, 4.8-INCH-LONG SKIP ROUND, #4558: The 40MM crowd dispersal cartridge contains a payload of .60 caliber stinging pellets. The 40MM Skip projectile is fired from a single or multi-round purpose-built 40MM Launcher. The Skip firing, aiming the impact munitions toward the ground three (3) to ten (10) feet in front of the target. Skip firing attenuates some of the blunt trauma on the target and reduces the possibility of impacting the human target and reduces the possibility of impacting the human target above the belt line.

   Cost: $20.63, Quantity: 2,324

   f. COMBINED TACTICAL SYSTEMS, 40MM .30 CAL. STING-BALLS, SMOKELESS, 4.8-INCH-LONG SKIP ROUND, #4553: The 40MM crowd dispersal cartridge contains a payload of .30 caliber stinging pellets. The 40MM Skip projectile is fired from a single or multi-round purpose-built 40MM Launcher. The Skip firing, aiming the impact munitions toward the ground three (3) to ten (10) feet in front of the target. Skip firing attenuates some of the blunt trauma on the target and reduces the possibility of impacting the human target and reduces the possibility of impacting the human target above the belt line.

   Cost: $18.53, Quantity: 0

   g. COMBINED TACTICAL SYSTEMS, 40MM CS LIQUID BARRICADE, SPIN STABILIZED, 4.1 INCH

LONG, #4330: The liquid CS projectile is fired from a single or multi-round purpose- built 40MM Launcher. The Liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room. When deploying CS liquid projectile, Members should be thirty (30) feet back from the target, aiming approximately thirty (30) degrees up in angle. Only trained members of the Department's SWAT Team are authorized to deploy the CS liquid projectile.

Cost: $23.50, Quantity: 150

h. COMBINED TACTICAL SYSTEMS, 40MM CS POWDER BARRICADE, SPIN STABILIZED, 4.1 INCH LONG, #4431: The powder CS filled projectile is fired from a single or multi-round purpose-built 40MM Launcher. The Powder CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room. When deploying CS powder projectile, Members should be thirty (30) feet back from the target, aiming approximately thirty (30) degrees up in angle. Only trained members of the Department's SWAT Team are authorized to deploy the CS powder projectile.

Cost: $23.50, Quantity: 7

i. COMBINED TACTICAL SYSTEMS, 40MM AERIAL FLASH-BANG, 100 METER WARNING SIGNAL, 4.1 INCH, #4090-1: The 40MM Aerial Flash-Bang 100 Meter Warning Signal is fired from a single or multi-round purpose-built 40MM Launcher. The 100-meter 40MM aerial flash-bang produces an intense bright light and sound. It is used to determine intent or used to hail or warn approaching individuals, vehicles, or marine vessels. The light output is between 6 million and 8 million candela. The sound output is between 165- 175 dB. The effective range is 100 Meters.

Cost: $39, Quantity: 6

j. COMBINED TACTICAL SYSTEMS, 40MM AERIAL FLASH-BANG, 200 METER WARNING SIGNAL, 4.1 INCH, #4090-2: The 40MM Aerial Flash-Bang 200 Meter Warning Signal is fired from a single or multi-round purpose-built 40MM Launcher. The 200-meter 40MM aerial flash-bang produces an intense bright light and sound. It is used to determine intent or used to hail or warn approaching individuals, vehicles, or marine vessels. The light output is between 6 million and 8 million candela. The sound output is between 165- 175 dB. The effective range is 200 Meters.

Cost: $39, Quantity: 6

k. COMBINED TACTICAL SYSTEMS, 40MM AERIAL FLASH-BANG, 300 METER WARNING SIGNAL, 4.1 INCH, #4090-3: The 40MM Aerial Flash-Bang 300 Meter Warning Signal is fired from a single or multi-round purpose-built 40MM Launcher. The 300-meter 40MM aerial flash-bang produces an intense bright light and sound. It is used to determine intent or used to hail or warn approaching individuals, vehicles, or marine vessels. The light output is between 6 million and 8 million candela. The sound output is between 165-175 dB. The effective range is 300 Meters.

Cost: $39, Quantity: 6

l. COMBINED TACTICAL SYSTEMS, 40MM SUPER-SOCK #4581: The Model 4581 Super-Sock® is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock® is an aerodynamic projectile. However, accuracy is relative to the launcher, barrel length, environmental conditions, and the operator. The Super-Sock® is very effective. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

Cost: $19.49 Quantity: 92 (Munitions inadvertently omitted from 2023 inventory.)

2. Purpose:

Lawful application of force delivered with the intent to subdue or render non-threatening. The less lethal

munitions may be used as an option to de-escalate a potentially dangerous/deadly situation, with a reduced potential for death or serious injury to all persons involved. It is accepted that the probability exists for bodily harm to occur. However, it must also be accepted that the application of such force may be the only alternative to using lethal force to stop the subject's actions.

3. **Authorized Use:**

   Situations where the deployment of less lethal impact or chemical munitions are authorized include but are not limited to:

   a. Self-destructive, dangerous, and/or combative individuals

   b. Circumstances where a tactical advantage can be obtained

   c. Tactical situations involving the deployment of the Department's SWAT Team.

4. **Expected Lifespan:**

   a. Penn Arms Single/Multi Shot Launcher: 15 Years.

   b. Defense Technology – 40MM Less Lethal Launcher (LMT): 10 years

   c. All munitions listed above: 5 years.

5. **Fiscal Impact:**

   Annual maintenance for the single/multi shot launchers is approximately $50 each.

6. **Training:**

   Prior to deploying 40MM Launchers and Munitions, members must complete a POST certified course in the operation of 40MM Launchers and Munitions. Additionally, all members that operate any Less Lethal Devices are required to pass a qualification course of instruction according to Department policy.

7. **Legal and Procedural Rules:**

   The Department will only utilize less lethal devices in accordance with State laws, Federal laws and Department policy.

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

POST 05/19

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.

ICS 214-UNIT LOG.JPG

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OCSD- Supplement_Hate_Crime_Report.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

INDEX / TOPICS

A

AUTHORITY. 7

B

BRADY MATERIAL. 532

R

RESERVE DEPUTIES
Training. 327

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