Chapter 8 - Technical

• 5-08/010.00 - Chemical Test Laws

Drunk Drivers

When a person driving a vehicle is arrested for driving under the influence, he is required by law to submit to a test of blood alcohol or face a one year suspension of his driver's license, or two years if previously convicted of 23152, 23153 or 23103 CVC, within the last ten years of the date of admonition (23612 CVC / 13353 CVC).

Disorderly Conduct - Drunk/Alcohol

If a person arrested for 647(f) PC (Disorderly Conduct - Drunk/Alcohol) requests a chemical test, he shall be administered a breath test.

When this Department intends to seek prosecution, a breath test may be administered if, at the discretion of the handling deputy, such a test is warranted.

Chemical Tests

This Department provides three chemical tests which are described as follows:

- Breath Alcohol Test - A device that determines alcohol concentration in a suspect's breath sample. These tests are administered by personnel trained in the use of the breath testing instrument assigned by Scientific Services Bureau;
- Blood Sample - Withdrawal of a blood sample, in a medically accepted manner, by a physician, registered nurse, or other medical personnel identified in Section 23158(a) CVC, using an approved collection kit provided by Scientific Services Bureau. The sample is subsequently transported to Scientific Services Bureau for testing; and

  NOTE: Cases have been dismissed because a hospital's non-licensed technologist withdrew the blood. Officers should ascertain that the individual withdrawing the blood complies with Section 23158(s) CVC.

- Urine Sample - Routine collection and preservation of a urine sample. A urine sample is obtained while the suspect is given reasonable protection from public view. The authenticity of the sample is ensured by the presence of a deputy while the sample is being collected. When collecting a urine sample for forensic alcohol analysis, use the urine collection kit supplied by Scientific Services Bureau.

Offering a urine test is not required for subjects suspected of being under the influence of alcohol only. In situations where it is believed that the suspect is under the influence of an unknown drug only, a blood sample shall be collected.

Refer to the California Implied Consent for Chemical Testing laws for which sample collection techniques may be offered to the subject.

In those cases where it is believed that the suspect is under the influence of an unknown drug and/or alcohol, a blood or urine sample shall be collected.

• 5-08/010.05 - Defendant's Rights - Driving Under the Influence (DUI)

A person arrested for driving under the influence of alcohol shall be advised of the provisions of California Vehicle Code section 23612 (Implied Consent for Chemical Testing).

When the person arrested is suspected of being under the influence of alcohol only, the person shall be afforded the opportunity to submit to their choice of a blood test or breath test.

NOTE: A urine test is no longer available to such persons unless they are incapable of completing either the blood test or breath test.

In cases where the arresting deputy reasonably suspects that the person arrested is under the influence of a drug, or the combined influence of a drug and alcohol, the suspect may be required to submit to a blood and/or breath test. A suspect who is afflicted with hemophilia or is afflicted with a heart condition and is using an anticoagulant under the direction of a licensed physician and surgeon is exempt from the blood test requirement, but shall submit to, and complete, a urine test (23612 CVC).

If the suspect:

- Is incapable or states that they are incapable of completing the chosen blood or breath test, they shall then have the choice of submitting to and completing the remaining tests and shall be so informed. If they are incapable of completing both the blood and breath test, they shall be offered the opportunity to submit to a urine test;
    - If the urine test is administered, the sample shall be taken at the station or DUI checkpoint command post, and the dignity of the suspect maintained as much as possible;
- Chooses to allow a sample of their blood to be drawn, they shall be transported to the nearest hospital or clinic affiliated with the county emergency aid plan; and
- Chooses the breath test, they shall be advised that a sample will not be saved, and that they and their attorney will not have a breath sample for independent testing of alcohol content. If the suspect wants a sample saved for their own use, they must submit to an additional test of either their blood or urine.

If the breath test is selected and the officer can document a reasonable suspicion of drugs or drugs/alcohol intoxication, the suspect shall then be advised of California Vehicle Code section 13353, Refusal of Chemical Test, and section 13353.2, Immediate Suspension, and the arresting deputy shall complete all required California Department of Motor Vehicles forms. The suspect shall also be advised that failure to submit to the additional test will result in the suspension of driving privileges for at least one year.

The suspect may request that a blood test also be conducted by their own physician and at their own expense. If they so request, they shall be allowed to telephone the physician of their choice immediately after booking, and after the blood test by the Department.

The following shall apply:

- The telephone call for purposes of obtaining a private physician to take a blood sample shall be in addition to the regular calls permitted a suspect at the time of booking; and
- There shall be no unnecessary delay in permitting this call so as to allow the suspect to obtain a timely sample.

After the private physician has obtained the blood sample, they shall be solely responsible for its disposition, if the suspect is without funds, a local call shall be placed for them by the arresting deputy or the jailer. Once the call has been placed, the suspect shall be allowed to speak for themself.

• 5-08/010.08 - Defendant's Rights - Disorderly Conduct (Drunk/Alcohol)

A person arrested for 647(f) PC (Disorderly Conduct - Drunk/Alcohol):

- Shall be administered a breath test to determine blood-alcohol level if he requests it; and
- May be administered a breath test if the Department intends to seek prosecution and if, at the discretion of the handling deputy, such a test is warranted.

• 5-08/010.10 - Defendant Refuses All Tests

When a drunk driving suspect refuses to submit to any blood-alcohol test, he shall be advised of section 13353 CVC, Chemical Test Admonition, (DMV Form DL 367). The deputy shall then complete the DL 367 in duplicate, with the original being mailed to the Department of Motor Vehicles and a copy attached to the original report.

When a suspect arrested for 647(f) PC (Disorderly Conduct - Drunk/Alcohol), against whom the Department intends to pursue prosecution, refuses to submit to a breath test to determine blood-alcohol level, the handling deputy shall document the fact of refusal in the first report.

• 5-08/010.15 - Breath Alcohol Test Administration

This Department uses a breath testing instrument assigned by Scientific Services Bureau for determining alcohol concentration in a suspect's breath sample.

Within limitations of available space, the breath testing instrument shall be located:

- Away from the general public;
- Away from the main flow of employee traffic;
- Outside the immediate booking area; and/or
- In a suitable environment for communications purposes.

The instruments may be located adjacent to or with other activities (fingerprinting, show-up room, etc.), provided the aforementioned criteria are met.

Only trained personnel shall operate the breath testing instrument following a precautionary checklist during the administration of a breath test. It is each watch sergeant's responsibility to ensure that persons operating the instruments have been properly trained. Particular attention shall be given to other law enforcement agencies desiring to use the instrument.

Scientific Services Bureau manages the breath testing instrument operator training program and provides a training course to train and certify all personnel who will be involved in administering breath alcohol tests. The course will train law enforcement personnel in the proper use of the breath testing instrument and the proper administration of a breath test on a subject. Only operator trained on the breath testing instrument are permitted to administer breath tests on the instrument pursuant to California Code of Regulations (CCR) Title 17.

The Blood-Alcohol Testing Section, Scientific Services Bureau, shall be notified before any breath-alcohol testing instrument is:

- Taken out of service for any reason (such as repair, court order, demonstration); and/or
- Malfunctioning.

When there appears to be an appreciable delay in the response for repairing the equipment, it is the watch sergeant's responsibility to arrange for the breath test to be administered at some other facility or have the subject agree to another chemical test (blood or urine). If details about the instrument or results of the tests are needed, the Blood Alcohol Testing Section, Scientific Services Bureau (562-940-0248) may be conducted.

The breath testing instrument is periodically tested for accuracy by Scientific Services Bureau; however, when the gas cylinder housed inside the instrument is depleted, the gas cylinder will need to be changed. It is each station’s responsibility to change the gas cylinder. Scientific Services Bureau will train selected personnel from each station to perform this procedure.

To obtain a proper breath sample, the following rules shall be observed:

- The subject is to be informed that sufficient breath samples for two satisfactory tests are necessary;
- The subject must be continuously observed for at least fifteen (15) minutes prior to the collection of the breath sample, during which time the subject must not have ingested alcoholic beverages or other fluids, regurgitated, vomited, eaten, or smoked; and
- Deep lung air is needed.

Depending on the test results, the following procedures shall apply:

- If blood-alcohol content of .08% or higher - a complaint shall be sought;
- If blood-alcohol content of .05% through .08% - the watch sergeant shall observe the subject. If there are visual symptoms of intoxication, the subject should be held. However, the watch sergeant shall be responsible for determining whether the subject should be booked or released; and
- If blood-alcohol content is below .05% but marked symptoms of intoxication exist;
    - Have subject examined for sickness or signs of narcotic, or drug use;
    - Attempt to obtain a sample of subject's blood or urine â€‘ preferably urine if narcotics or drugs suspected; and

- The watch commander shall authorize booking or release.

If a blood sample is obtained and a breath test performed, indicate the test results on the evidence envelope and specify which laboratory test is to be performed (i.e., blood-alcohol, drugs or narcotics). If a urine sample is obtained, specify which laboratory test is to be performed on the urine jar label.

Upon conclusion of the test, make the required entries in the appropriate daily journal (explained below). Retain the breath test reports and incorporate in the case report. Do not discard any breath test report(s). All breath test reports shall be retained by the station.

Provide the breath test report(s) and the other necessary reports to the watch sergeant for approval and subsequent processing to the court deputy who is responsible for their maintenance pending court disposition.

Inspections

Traffic Services Detail personnel shall conduct periodic inspections to ensure compliance with installation, safety, inspections, operation and training procedures.

Maintaining Daily Journal

Each station assigned a breath testing instrument shall maintain a bound daily journal in which the following shall be recorded:

- Tests:
  - Date and time tests performed;
  - Subject's name;
  - Charge;
  - Breath test results; and
  - Name, identification/employee number, and agency of deputy administering tests;
- Procedure inspections;
  - Date and time inspection completed; and
  - Name and employee number of Traffic Services Detail representative conducting inspection.

• 5-08/010.20 - Blood Tests

Persons afflicted with hemophilia and persons who are afflicted with a heart condition and using an anti-coagulant under direction of a physician are exempt from the blood test.

While this Department will not require persons claiming this exemption to provide medical proof, such persons shall be informed that the exemption applies only to blood tests and not to tests of breath or urine.

Blood Sample - Department's Request
When collecting a blood sample, use the blood collection kit supplied by Scientific Services Bureau. Only those medical personnel identified in Section 23158(s) CVC may withdraw blood for the purpose of

determining the samples' alcohol concentration. After collection, invert the vial to mix the contents. Label the vial and complete the relevant portions of the envelope. Place the vial inside the envelope and seal the envelope with the evidence seal provided.

Following completion of the test, the sample shall be transported to the station and immediately placed in the locked box provided for this purpose. The sample need not be stored under refrigeration.

Blood Sample by Suspect's Physician
When the physician arrives at the place of confinement and is properly identified, he shall, with the consent of the suspect, be permitted to obtain a blood sample in the presence of the arresting officer or jailer. The physician shall provide the container for the sample.

Observing deputies shall record the following information in the first or in a supplemental report:

- Name, business address, and business phone number of the attending physician;
- Time the phone call was placed to the physician;
- Time of arrival of physician;
- Time the blood was taken;
- Amount of blood taken;
- Names and badge numbers of deputy witnessing the telephone call and the blood withdrawal; and
- Method of withdrawal including sterilization process, etc.

Test Desired, Suspect Refuses Permission
When a deputy feels that the taking of a blood sample is necessary and that physical restraint of the subject would be required to obtain the sample, he shall first obtain the approval of his watch commander. The watch commander shall consider the following in making his decision:

- Has adequate evidence already been obtained;
- Is the incident severe enough to warrant this action;
- Would the degree of force required be excessive;
- Would the use of restraints adversely affect the admissibility of the evidence; and
- Does the on-call deputy district attorney concur with the proposed action.

If approval is granted, medically approved personnel shall withdraw the blood sample.

Suspect Not Arrested or Booked
When a suspect is involved in a traffic accident but is not arrested or booked, a sample of his blood may be obtained for evidentiary purposes without a search warrant upon the suspect's voluntary consent.

When such blood-alcohol specimen is obtained, it must be done in a medically approved manner and must be based upon the reasonable belief that the person is intoxicated.

Blood-alcohol specimens obtained under such circumstances will be submitted to the laboratory and the results of the test may be used in conjunction with other evidence to arrive at a decision as to whether a complaint will be issued.

The district attorney's office shall be contacted to determine the actual need for the testimony of an expert witness and, if the reply is affirmative, crime lab personnel shall be notified of the time and place of the trial as soon as practicable.

• 5-08/010.25 - Urinalysis

When collecting a urine sample for forensic alcohol analysis, use the urine collection kit supplied by Scientific Services Bureau. Title 17, California Code of Regulations, mandates that the subject void his/her bladder prior to collection. Do not collect this void for forensic alcohol analysis. Wait at least 20 minutes after the first void to collect a second void. Submit the second void for forensic alcohol analysis. Mix the contents thoroughly after collection. Seal the urine jar with an evidence seal over the top of the lid. Fill out the yellow label and affix that label to the side of the jar over the evidence seal. Place initials across the seal onto the yellow label.

When toxicological tests other than forensic alcohol analysis are requested, the subject is not required to void his bladder and wait twenty minutes. In these circumstances, a urine sample may be collected immediately.

Offering a urine test is not required for subjects suspected of being under the influence of alcohol only. Refer to the California Implied Consent for Chemical Testing laws for which sample collection techniques may be offered to the subject.

• 5-08/010.27 - Release of Blood Alcohol Samples - Urinalysis and Blood

A blood-alcohol sample shall not be released to the arrestee or his attorney without a court order. Upon presentation of a valid court order, the sample and a copy of the court order shall be picked up and transported to Scientific Services Bureau where the sample will be divided in half. One half of the sample shall be released to the representative of the private laboratory performing the analysis for the arrestee, and the other half shall be returned to the originating station. All rules of evidence shall apply.

• 5-08/010.30 - Station Commander's Responsibility

Station commanders are responsible for the following:

- Maintaining an adequate supply of Department bloodâ€‘alcohol and urine specimen test kits at each participating hospital or clinic within the station area;
- Advising personnel of concerned hospitals or clinics that billings for services must be submitted monthly to this Department's Fiscal Services, General Accounting; and
- Forwarding at the end of each month to Fiscal Services, General Accounting, a "Monthly Report of Blood Samples and Sexual Assault Evidence Collections" (SH-AD-659).

  NOTE: See Miscellaneous Line Procedures, Laboratory Specimens, in Sexual Assault Cases.

• 5-08/010.35 - Responsibility for Evidence

When a defendant is arrested and booked, the blood-alcohol sample shall be delivered to Scientific Services Bureau by either the investigating officer, another deputy so designated by the unit commander, or by the Scientific Services Bureau courier at the earliest possible time.

In misdemeanor cases where test results indicate .08 or more blood-alcohol, additional toxicology tests will not be completed unless extenuating circumstances exist; however, in felony cases, additional toxicology tests will be completed if requested.

The sample package shall be marked to indicate either misdemeanor or felony, and this fact shall be recorded on the evidence laboratory receipt by the employee transporting the sample.

The retention period for blood-alcohol samples shall be for one year from the date of arrest unless otherwise ordered. It is the responsibility of the assigned investigator in felony cases to order the retention of blood-alcohol samples for periods in excess of one year.

• 5-08/020.00 - Crime Laboratory Reports

[Title Only]

• 5-08/020.05 - Routine Reports

A Department report will be submitted when a forensic science examination is conducted by personnel from Scientific Services Bureau.

When a file number has been assigned to the case, laboratory findings will be reported in an analytical laboratory report prepared by Scientific Services Bureau under the same file number.

• 5-08/020.10 - Special Reports

The Sheriff, undersheriff, or the assistant sheriff(s) may request special laboratory tests or investigations.

The investigating officer shall notify Scientific Services Bureau of cases where the findings are to be restricted from routine circulation. Findings on restricted reports shall be submitted only to the captain, Major Crimes Bureau, an area commander, or a division chief.

• 5-08/020.15 - Disclosure of Reports

The investigator assigned to a case may request a verbal report from Scientific Services Bureau while the laboratory findings are in preparation. Such information from the laboratory will be communicated with an appropriate qualifying statement clearly indicating that the information is preliminary and the final results will be

communicated in a signed written analytical laboratory report.

• 5-08/020.20 - Outside Agency Requests

When forensic science examinations or investigations are conducted for outside agencies, a report will be submitted to the concerned agency. An extra copy will be filed at Scientific Services Bureau.

• 5-08/030.00 - Identification Personnel Requests

Scientific Services Bureau, Latent Print Section personnel conduct investigations for latent prints when there is sufficient reason to believe that fingerprint evidence may be found. They document crime scenes by the use of photography, video, and diagraming. They will also make plaster casts of shoe prints and tire tracks. When such services are required, the procedures in the following subsections shall be observed.

The services of the Latent Print Section personnel are available seven days a week. Immediate requests for these services shall be authorized by the watch commander of the requesting station or unit. Telephone requests shall be made directly to the Scientific Services Bureau. The telephone number after normal business hours and on weekends is (213) 989-2163 or (800 974-4LAB or (800) 974-4522.

Telephone requests shall be followed by a JDIC message to the Latent Print Section and shall indicate "Confirmation Only."

Immediate response requests shall be made when it is imperative that a fingerprint examination must be conducted as soon as possible to prevent the destruction of evidence.

Examples:

- Homicides;
- Violent crimes such as kidnapping, home invasion robberies, attempted murder, etc.; and
- Business robberies when securing the area for prints may interfere with normal business operation.

When the routine services of Latent Print Section personnel are requested, victims should be advised that Latent Print Section personnel will arrive as soon as possible but the exact time and date cannot be determined by the patrol deputy. Do NOT make the appointment for Latent Print Section personnel with the victim.

Deputies requesting Latent Print Section personnel shall telephone the necessary information for the JDIC message to their station/unit from the scene of occurrence where possible, or as soon as possible thereafter.

Requests shall be sent via JDIC to the Latent Print Section, Scientific Services Bureau.

The following information shall be included in the JDIC message:

- Complete URN;

- Address or location and phone number where the fingerprint investigation is to be conducted;
- Name of victim (if available);
- Time when premises will be available for examination or phone number where the victim may be contacted during normal working hours; and
- Specify areas to be checked at the crime location. Include license number on all vehicles when applicable, and the time and place when the vehicle will be available.

Be specific, as the JDIC message is oftentimes the only guideline Latent Print Section personnel have to follow.

• 5-08/030.05 - Responsibilities of Latent Print Deputy At Crime Scene

Latent Print Section personnel at a crime scene shall be governed by the following regarding their responsibility and supervision:

- In the absence of a Scientific Services Bureau supervisor, direction will be obtained from the senior ranking officer at the crime scene or the investigating detective; and
- In most cases, the decision of the Latent Print Section employee is final. Latent Print Section personnel have the expertise required to determine whether casts or prints are obtainable.

• 5-08/030.10 - Patrol or Detective Personnel Requests in Field

It shall be the responsibility of the employee taking the crime report to use his knowledge and training to determine if a request for Latent Print Section personnel shall be made. When it is decided that Latent Print Section personnel are not necessary, employees shall use discretion in discussions with the victim.

The following cases do not normally warrant the services of a Latent Print Section personnel:

- All misdemeanor crimes, for example:
  - Petty theft from vehicles;
  - Bicycle thefts and recoveries; and
  - Malicious mischief with minor damage;
- All auto burglaries unless heavy loss or unusual circumstances, e.g., several cars hit at same time on auto lot, or suspect in custody;
- Garage burglaries unless heavy loss or forced entry or workable information; and
- Auto thefts, or motorcycle thefts, unless stripped, other felony crime suspects named or in custody or SVS has "Hold for Prints."

In most circumstances, loss or damage is to be considered heavy when it is in excess of $1,000.

The station/unit watch commander or Detective Bureau commander has the authority to make exceptions to any of the above crime categories.

• 5-08/040.00 - Polygraph Procedure

The following procedures must be followed prior to the administration of a polygraph examination:

- The investigating deputy shall consult with the polygraph section to determine the value of the polygraph examination in their particular case;
- The polygraph examiner shall determine the suitability of the subject and whether or not the issue is testable;
- The polygraph examination is a voluntary procedure and all potential subjects must be advised of this fact by the investigating deputy; and
- The subject will be required to give written consent to the examination by signing a waiver form.

A parent or legal guardian must sign for persons under 18 years of age, unless they are married, in military service or in any other way emancipated.

• 5-08/040.05 - Test Preparation

Testing procedures shall be started by contacting the Polygraph Section for consultation and, if appropriate, obtaining an appointment.

The examiner shall be provided with the following information as soon as possible after the appointment is made:

- All the facts of the case;
- Background information such as the personal history and individual characteristics of the person to be tested; and
- Any other information that will permit a reliable appraisal of the subject.

To increase reliability of the test, the person to be examined should:

- Not be under a doctor’s care for any disease or other physical or mental condition;
- Not be under the influence of stimulants, sedatives, or alcohol;
- Be sufficiently rested;
- Be free from respiratory ailments or physical pain;
- Be allowed a reasonable amount of time to recover from the emotionality of close involvement in highly sensitive criminal matters; and
- Not have been interrogated within eight hours prior to the polygraph examination.

Pregnant females and juveniles under the age of 14 will not be tested.

• 5-08/040.10 - Test Administration

Polygraph examinations are investigation tools. They do not take the place of a thorough investigation. The polygraph examiner shall make the final determination as to whether or not an examination will be conducted.

Tests are lengthy and should only be scheduled when all parties have sufficient time to complete them.

Tests shall be administered by the polygraph examiner at the Polygraph Section of the Scientific Services Bureau or at the appropriate satellite polygraph office. The examiner shall make the final determination concerning subject matter, manner of conducting the interview, test format to be utilized, and post-test follow-ups, after due consideration of all facts as related by the investigating officer.

Refer to the Manual of Policy and Procedures section 5-03/170.00, Removal of Prisoners from County Jail by Court Order, as per Penal Code section 4004.

• 5-08/040.15 - Outside Agency Requests

On request, the use of the polygraph is available to outside agencies. Requests should be made by calling the Polygraph Section of the Scientific Services Bureau.

The same procedures shall be followed in the scheduling, preparation, and administration of the test as are required in Department cases.

Requests for polygraph examinations involving internal investigations received from outside agencies shall be directed, in writing, to the Sheriff for approval.

• 5-08/050.00 - Requests for Use of Aircraft

All requests for use of aircraft shall be made by contacting the Aero Bureau.

• 5-08/050.10 - Patrol Pilot Responsibility

The pilot-in-command of any aircraft responding to an incident shall be responsible for making the determinations outlined in section 5-08/050.25, as they relate to the safety and efficiency of the flight.

• 5-08/050.15 - Requestor's Responsibility

Requests for Aero Bureau's services shall include the following information:

- Name of service desired;
- Area to be covered by flight;
- Contemplated ground operations;
- Number and class of passengers;
- Whether observer needed;
- Communications or other special equipment needed; and
- Any other pertinent information.

• 5-08/050.20 - Aero Bureau Responsibility

The Aero Bureau watch commander shall be responsible for the scheduling, notification, reporting, and recording of flights and flight requests. He shall also make the following determinations:

- Practicality of the flight based on such factors as weather, terrain, performance, economy, distance, etc.;
- Priority of the flight request;
- Type of aircraft best suited for the flight;
- Most suitable method for coordination with ground forces, when ground support is required; and
- Amount of aircraft and support equipment required.

• 5-08/050.25 - Safety Precautions

All personnel present at the take-off or landing of a helicopter shall observe the following safety precautions:

- Safety Margin - All persons shall stay at least 50 feet away from the helicopter rotors when the rotor blades are in motion unless authorized otherwise by the pilot or observer;
- Approaching the Aircraft - When approaching a helicopter from within the 50-foot safety margin, the approach shall be made from the front or from the side near the front where the pilot can observe the approaching person at all times;

  NOTE: Unless otherwise instructed by the pilot or observer, never approach or leave the helicopter from any side where the ground is higher than that on which the ship is standing or hovering. Keep head down while making the approach or retreat.

- Leaving the Aircraft - When leaving the helicopter while rotor is in motion, keep head down and walk away directly from the front or side until 50 feet clear of the blades, as rotors lower as RPMs decrease;
- Tail Rotor – Stay away from tail rotors at all times;
- Parked Vehicles - Vehicles and other conveyances, shall be kept at least 50 feet from the helicopter, and may be required to stay at a further distance if the pilot or observer so directs;
- Smoking - There shall be no smoking within 100 feet of a helicopter during landing or take-off operations;
- Radio Antennas - Radio antennas on police vehicles shall be fastened down when vehicles are parked in the immediate vicinity of the helicopter landing or take-off area; and

Hand Signals - Hand signals will be utilized by ground units in non-radio communication with the aircraft. See Helicopter Hand Signals (SH-CR-288).

• 5-08/060.00 - Identi-Kit Requests

The "Identi-Kit" is used to make composite drawings of suspects, victims, or missing persons.

The primary responsibility for providing Identi-Kit services rests with the station receiving the crime report. Each station shall be equipped with an Identi-Kit and shall have a sufficient number of personnel trained in the use of these kits.

The types of crimes for which the Identi-Kit may be utilized shall be at the discretion of the unit commander.

• 5-08/065.00 - Photographic Services

Requests for photo/digital services shall be directed to the Photo/Digital Imaging Section, Scientific Services Bureau via telephone (323-260-8570), email, or County mail.

All items submitted must be accompanied with a Photo/Digital Services Request, Departmental memo, or an appropriate order form.

Camera repair advice, technical information and photographic planning, other than crime scene photography, are additional services available from the Photo/Digital Imaging Section. Crime scene photography is arranged through the Latent Print Section, Scientific Services Bureau (213-989-2163 or 800-974-4LAB or 800-974-4522).

Requests for special photographic work (i.e., reprints of historical of documentary pictures or special photographic requests) must be submitted to the Photo/Digital Imaging Section supervisor.

• 5-08/070.00 - Videotaping Services

Videotaping using personnel and portable equipment from the Video Section of the Advanced Training Bureau are available 24 hours a day and will respond to any location within the county by request from any station, unit, or bureau desiring videotaping of significant crimes or events.

Videotaping personnel can be contacted during normal business hours at (562) 946-7841 and after hours, weekends, and holidays through Sheriff's Headquarters Bureau at (323) 526â€‘5541.

• 5-08/100.00 - Facial Recognition

The purpose of this policy is to establish procedures for the acceptable use of the images (probe and candidate), information, and tools within the facial recognition system. Facial recognition shall only be used when there is reasonable suspicion such use will provide information relevant to an active investigation, imminent threat to health or safety ("at-risk"), or to help in the identification of deceased person(s) unable to be identified. This policy applies to all Department personnel who are granted direct access to the facial recognition system as well as personnel who are permitted to request facial recognition searches.

• 5-08/100.05 - Outside Agencies and Facial Recognition

Any outside agency, or personnel from an outside agency, requesting facial recognition assistance shall adhere to this policy and complete a Facial Recognition Manual Search Request Form (SH-CR-630).

• 5-08/100.10 - Definitions and Terms as Defined by LACRIS

Digital Mugshot System (DMS) – DMS is the repository of all criminal booking photos (mugshots) and includes a facial recognition application.

Facial Recognition – The automated searching of a facial image (probe) against a known collection database(s) resulting in a list of candidates ranked by computer-evaluated similarity score. This is commonly referred to as a one-to-many data model comparison.

Facial Reviewer – A person who successfully completed training by the FBI or LACRIS in facial comparison. (1) The review of a candidate list to identify possible matches. (2) One-to-one verification conducted in a high-throughput environment (e.g., stadium entrance).

Los Angeles County Regional Identification System (LACRIS) – The California Department of Justice's CAL-ID program responsible for providing biometric identification services to Los Angeles County law enforcement agencies.

Probe – The facial image or template searched against a known mugshot database in a facial recognition system.

Surveillance – The lawful close watch kept over someone or something.

• 5-08/100.20 - Use of Facial Recognition

Facial recognition technology shall be utilized as an investigative tool and assist Department personnel during investigations, while recognizing the established privacy rights of the public.

Only authorized personnel may conduct a Facial Recognition Search and Comparison. Personnel conducting the search shall meet the criteria listed under "Facial Reviewer," in MPP Section 5-08/100.10.

Potential matches returned by a facial recognition system are to be considered investigative leads only. They shall not be used as the sole basis for an arrest or identification of a suspect, witness, victim, or person of interest.

• 5-08/100.30 - Prohibitive Uses

Department personnel shall not use facial recognition for the following:

- 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;
- On live stream video unless there is an imminent threat to life or at risk individuals;
- In connection with portable recorders; and/or
- For predictive analysis.

• 5-08/100.40 - First Amendment Activity

Facial recognition shall be used in accordance with all federal and state laws, and all Departmental policies.

Department personnel shall not violate First, Fourth, and Fourteenth Amendments of the U.S. Constitution and shall not perform or request facial recognition searches of individuals or organizations based solely on the following:

- Their religious, political, or social views or activities;
- Their participation in a particular noncriminal organization; or
- Their race, ethnicity, citizenship, place of origin, ages, disability, gender, gender identification, sexual orientation, or other protected classification

• 5-08/100.50 - Database and Data Limitations

Department personnel shall not maintain, utilize, or keep any database to conduct facial recognition searches and shall only utilize the LACRIS DMS to conduct facial recognition searches.

Non-mugshot databases, such as the California driver’s license photo database, or open source photo databases, are not linked to or accessible via the LACRIS DMS.

• 5-08/100.60 - Documentation

With any possible match where an investigative lead is generated on the facial recognition software, the facial reviewer and/or investigator shall complete the Morphological Comparison (SH-CR-629) form as used by the FBI and LACRIS.

• 5-08/100.70 - Investigative Searches

Probe images shall only be used from legally obtained sources.

Facial reviewers will determine if probe images are suitable for a facial recognition search and if all requirements are met, may conduct a facial recognition search.

Investigative searches shall only be conducted by trained facial reviewers. Reviewers are qualified to assess image quality, determine if suitable for facial recognition searches, and to perform one-to-many and one-to-one facial image comparisons.

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• 5-08/100.80 - Training

Department personnel accessing the facial recognition system shall have successfully completed training provided by the Federal Bureau of Investigations (FBI) or LACRIS. This training shall meet the minimum training criteria for usage of facial recognition systems of the Criminal Justice Information Services (CJIS).

• 5-08/100.90 - Audits

The use of the LACRIS DMS is controlled by state law pertaining to Criminal Offender Record Information (CORI). All use(s) of the LACRIS DMS shall be performed on a need to know and right to know basis per CORI regulations. All use(s) of the LACRIS DMS and search requests are subject to audit by the FBI, DOJ, and LACRIS. In the event of an audit, the user will be required to provide appropriate justification for the use or request of 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 file class/crime type, if available.