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SHERIFF

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TRAINING BULLETIN

243.9 PC – Battery by Gassing

Definition

Gassing- intentionally placing or throwing, or causing to be placed or thrown, upon the person of another, any human excrement or other bodily fluids or bodily substances or any mixture containing human excrement or other bodily fluids or bodily substances that results in actual contact with the person's skin or membranes.

Investigation Requirements

Penal Code section 243.9 (c) (a) requires the *collection and testing of the suspected gassing substance, to confirm the presence of human excrement or other bodily fluids or bodily substances.*

When feasible and practical, every attempt should be made to use a forensically acceptable means (i.e., swab) to preserve the substance used in a gassing for the Crime Lab to confirm the presence of human excrement, or other bodily fluids or substances.

By no means is anyone expected to wait with any bodily fluid or excrement on their person while obtaining a swab.

After washing the substance from your skin, if the substance is still on your uniform, you may swab the substance from your uniform. Please make sure to complete a detailed report of the incident and articulate in your report the substance made actual contact with skin or membranes and the swab was taken from the uniform, due to biohazard considerations of the deputy.

Prior to writing your report, it is recommended you review your body worn camera footage and any associated CCTV. This will aid in ensuring complete documentation of the incident. Please make sure to copy the CCTV and enter that into evidence and reference the BWC and CCTV recordings in your report.

If after a gassing incident, it is determined a blood draw of the incarcerated person is needed to test for hepatitis or tuberculosis, pursuant to Penal Code section 243.9 (c)(a), attempt to obtain the consent of the incarcerated person by having them sign the consent to search form. It is also recommended this consent be recorded with the deputy's body worn camera. If the incarcerated person declines to consent to the blood draw, please contact the Communications Center and ask for the on-call DIU Detective Sergeant to be notified.