

**2.1 RULES OF CONDUCT
FOR MEMBERS OF THE
SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT**

All employees shall conform to Federal, State, and Local laws, as well as to the policies of this Department. It shall be the responsibility of all employees to familiarize themselves and comply with all such policies, orders, directives, rules and regulations of this Department. (02-12-13)

2.2 Applicability

These Rules of Conduct apply to all classifications of employees, including Reserve, 960 hour Rehires, student workers, interns, contract professionals and Volunteer employees, except when a rule, by its very nature, does not apply to a given classification of employee. (06-24-14)

2.3 Violation of Rules

Employees shall not commit or omit any acts which constitute a violation of any of the rules, regulations, directives, orders or policies of this Department, whether stated in these Rules of Conduct or elsewhere. Employees shall be responsible for their own acts, and they shall not shift to others the burden, or responsibility, for executing or failing to execute a lawful order or duty. (Reviewed 1-11-2011)

2.4 Unbecoming Conduct

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee. (Reviewed 1-11-2011)

2.5 Immoral Conduct

Employee shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standard of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude which tends to impair their ability to perform their duties or causes this Department to be brought into disrepute. (Reviewed 1-11-2011)

2.6 Conformance to Laws

Employees shall obey all laws of the United States, of this state, and of local jurisdictions.

The acts of employees giving rise to an indictment, information or complaint, filed against an employee, or a conviction for violating any law, including a conviction following a plea of nolo contendere, may be cause for disciplinary action, temporary or permanent reassignment (excluding minor traffic).

Employees shall immediately inform their immediate supervisor of any and all circumstances where non-conformance to laws has been, or may be, alleged by any law enforcement agency. The supervisor receiving such notification shall immediately notify Internal Affairs. (7-30-03) (Reviewed 1-11-2011)

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2.7 Seeking or Accepting Gifts, Gratuities, Bribes, or Rewards

It is prohibited for employees to directly or indirectly solicit or accept from any person, business, or organization any gift, gratuity, bribe, or reward for the benefit of the employee, if it may reasonably be inferred that the person, business, or organization:

Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty, or

Has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

Food and Other Services: When making purchases, whether on or off duty, employees shall pay the posted price(s) for food, services or any other consideration. Discounts will not be accepted nor solicited where the employee's official position is used to effect same, or the discount can be reasonably shown to be as a result of any official position. A discount may be accepted where it has been negotiated by a recognized employee group sanctioned by the Sheriff.

For the purpose of this rule, the words "gifts", "gratuity", "bribe", and "reward", shall include money, food, tangible or intangible personal property, loan, promise, service, entertainment, or any other consideration. (Reviewed 1-11-2011)

2.8 Visiting Prohibited Establishments

Employees shall not knowingly enter or frequent any establishment (house of prostitution, gambling house, etc.) wherein the laws of the United States, the state, or the local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a supervisor. (Reviewed 1-11-2011)

2.9 Associations

Employees shall not associate on either a personal or business basis or have dealings with persons whom they know, or should know, or have reason to believe are, or have been racketeers, sexual offenders, drug dealers, illegal drug users, illegal gamblers, persons whom the employee suspects, or should suspect, are involved in felonious activities, convicted felons, persons held in county custody, felons serving or who have served time in custody, or persons under criminal investigation or indictment, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships. (09-21-04)
(Reviewed 1-11-2011)

2.10 Gambling

Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor. (Reviewed 1-11-2011)

2.11 Use of Drugs

Employees shall not use any controlled substances, narcotics, or hallucinogens except when prescribed in the treatment of employees by one legally authorized to prescribe such medication. When controlled substances, narcotics, or hallucinogens are prescribed, and the employee is taking these substances while on duty or in such close proximity to going on duty that it would create an effect, employees shall notify their supervisor. (NOTE: Controlled substance is defined under Section 11007 and Sections 11054 through 11058 of the Health and Safety Code.)

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The Sheriff's Department maintains a drug and alcohol free workplace as provided by law. Federal law prohibits the possession, use, manufacture, cultivation and distribution of marijuana. As such, marijuana possession, use, manufacture, cultivation and distribution by all employees is prohibited whether on or off duty. (Reviewed 02-16-17)

2.12 Alcoholic Beverages in Sheriff's Office Facilities

Employees shall not bring into or store alcoholic beverages in any Sheriff's facility or County vehicle except those being held as evidence or for an approved instructional program. (Reviewed 12-18-2010)

2.13 Use of Alcohol/on Duty

Employees shall not drink alcoholic beverages while on duty except in the performance of official duties and with the specific approval of a supervisor. Alcoholic beverages consumed on duty will be done in moderation. Employees shall not appear for duty, or be on duty, while under the influence of alcohol to any degree whatsoever, or have an odor of alcohol on their breath. (Reviewed 12-08-16)

2.14 Use of Alcohol/off Duty

Employees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in unlawful impairment (such as driving under the influence or being unable to care for their own safety or the safety of others), public intoxication, or obnoxious or offensive behavior in public which would tend to discredit them or this Department, or render the employee unfit to report for their next regular tour of duty. (Reviewed 10-19-16)

2.15 Insubordination

Insubordination is the willful refusal to obey a reasonable and lawful order given and understood. A reasonable and lawful order given to a subordinate shall be followed regardless of the method of conveyance. The willful failure to obey orders constitutes grounds for discipline (including termination). (Reviewed 12-19-2010)

2.16 Conflicting or Illegal Orders

Employees who are given an otherwise proper order which is in conflict with a previous order, regulation, directive or manual, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility shall be upon the supervisor. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order previously issued. However, employees shall not obey any order which they reasonably believe would require them to commit any illegal act. If in doubt as to the legality of the order, employees shall request that the person issuing the order confer with higher authority or clarify the order. (Reviewed 12-27-2010)

2.17 Public Appearances and Statements

Employees shall not publicly criticize or ridicule this Department, its policies, or employees, by speech, writing or other expression, where such expression is defamatory, obscene, unlawful, tends to undermine the effectiveness of this Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falseness. This rule is not intended to apply to political activities by a candidate for public office. Such activity is fully covered under Policy and Procedure Section 2.43 (Political Activity).

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Employees shall not address public gatherings, appear on radio or television, prepare any articles for publications, act as correspondents, release or divulge investigative information, or any other matter of this Department, while holding themselves out as having an official capacity in such matters without having obtained official sanction or authority.

Any speech, writing or other expression made where the listener or reader may reasonably assume that the employee is acting as a spokesperson on behalf of the Department will be governed by the above guidelines. (Reviewed 12-27-2010)

2.18 Abuse of Position

Use of Official Position or Identification

Employees are prohibited from using their official position, official identification cards or badges; (1) for personal or financial gain, (2) for obtaining privileges not otherwise available to them except in the performance of duty, or (3) for avoiding consequences of illegal acts (such as traffic citations, driving under the influence, etc.). Employees may not lend their identification cards or badges to another person, or permit them to be photographed or reproduced.

Use of Name, Photograph or Title

Employees shall not permit or authorize the use of their names, photographs, or official titles which identify them as members of the Sheriff's Department, in connection with testimonials or advertisements of any commodity of commercial enterprise.

Use of C.C.W. License by Non-Peace Officer

Employees who in their capacity as private citizens, have applied for and received concealed weapons licenses are not authorized to, nor shall they represent to any person that they are carrying or utilizing such weapon within the course and scope of their employment. Nor shall any employee who has obtained a concealed weapons license misrepresent himself/herself to any person as being a Deputy Sheriff. (Reviewed 1-4-2011)

2.19 Endorsements and Referrals

Employees shall not recommend or suggest in any manner, when acting in their official capacity, the employment or procurement of a particular product, professional or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). When any such service is necessary, employees shall proceed in accordance with established Departmental procedures. (Reviewed 1-4-2011)

2.20 Identification

Sworn employees shall carry their identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. While on duty, all employees shall furnish their first and last name or ARJIS number to any person requesting his or her identity, except when the withholding of such information is necessary for the performance of police duties. (03-24-21)

2.21 Citizen Complaints

Employees shall courteously and promptly accept any complaint made by a citizen against any employee or any Department policy or procedure. The employee receiving the complaint must decide whether to handle it informally; i.e., verbally, or document the complaint in writing. Employees may attempt to resolve the complaint, but shall never attempt to dissuade any citizen

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from lodging a complaint. If the employee does not believe the complaint has been handled to the complainants' satisfaction, the employee shall notify their immediate supervisor. The supervisor will determine the next course of action. (Refer to Policy and Procedure Section 3.2 for procedure for handling citizen complaints. (04-21-15)

2.22 Courtesy

Employees shall be courteous to the public and fellow employees. They shall be tactful in the performance of their duties, shall control their tempers, exercise patience and discretion even in the face of extreme provocation. Coarse, profane, or violent language is generally prohibited. Employees shall not use insolent language or gestures in the performance of his or her duties. (04-28-21)

2.23 Request for Assistance

When any person requests assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner, and will be properly and judiciously acted upon consistent with established Department procedures. (Reviewed 12-5-2010)

2.24 Reporting for Duty

Employees shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas and training assignments shall constitute an order to appear under this section. (Reviewed 12-5-2010)

2.25 Sleeping on Duty

Employees shall remain awake while on duty. If unable to do so, they shall so report to their immediate supervisor who shall determine the proper course of action. (Reviewed 12-5-2010)

2.26 Meals

Sworn employees assigned to uniformed patrol or detentions shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tours of duty, but only for such period of time, and at such time and place, as established by Departmental procedures. (Reviewed 12-5-2010)

2.27 Neglect of Duty

Employees shall not read, play games, watch television or movies or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall not engage in any activities or personal business, which would cause them to neglect or be inattentive to duty. (Reviewed 12-5-2010)

2.28 Telephones, Names, Addresses

Sworn employees shall have telephones (cellular phone, landline or both) in their residences. All employees shall immediately report any changes of telephone numbers, names, or residence addresses (post office boxes will not be acceptable for this purpose) to their supervisor and to such other persons as may be required by this Department (use form PER-2). *An employee's*

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work phone number(s), to include any department issued cellular phone number, and personal phone number(s) shall be listed at all times in the corporate directory.

Employees should be aware that, under certain circumstances, they are subject to call back to ensure the efficient operation of the Department. (10-26-17)

2.29 Fictitious Illness or Injury Reports

Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of this Department as to the condition of their health. (Reviewed 12-5-2010)

2.30 Failure to Meet Standards

Employees shall properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department. Failure to meet standards may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; absence without leave; unauthorized absence from the assignment during a tour of duty; the failure to submit complete and accurate reports on a timely basis when required or when directed by a supervisor. (Reviewed 1-27-2011)

2.31 Personal Appearance

Employees on duty shall wear uniforms or other clothing appropriate to their assignment in accordance with established Departmental procedures.

Employees on duty shall maintain a neat, well-groomed appearance and shall style their hair according to established Departmental regulations. Reference Sections 3.11 "Hair and Grooming Standards for Sworn Personnel", of the Departmental Policy and Procedure Manual.

Employees having occasion to visit any Sheriff's Department facility, while off-duty, shall be neat and clean in their appearance. (Reviewed 1-27-2011)

2.32 Use of Tobacco

Employees shall not smoke or use smokeless tobacco when they: (1) are in formation, (2) have to leave their assignment or post for the sole purpose of doing so, (3) are engaged in traffic control or direction, or (4) are dealing in person with the public. Smoking or use of smokeless tobacco at all other times will be in compliance with the County Smoking Ordinance (Chapter 8 S.D.C.C. and Section 3.38 Policy and Procedure Manual). (Reviewed 12-5-2010)

2.33 Employment Outside of Department

Employees may engage in off-duty employment subject to the following limitations: (1) such employment shall not interfere with the employee's employment with this Department; (2) employees shall submit a written request for off-duty employment to his/her Facility Captain/Division Manager, whose approval must be granted prior to engaging in such employment.

Approval may be denied where it appears that the outside employment might: (1) render the employee unavailable during an emergency; (2) physically or mentally exhaust the employee to

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the point that their performance may be affected; (3) require that any special consideration be given to scheduling of the employee's regular duty hours.

Approval shall be denied where it appears that the outside employment might involve: (1) the sale or distribution of alcoholic beverages as the primary business or produce; (2) investigative work for insurance agencies; (3) work for private guard services, collection agencies, attorneys or bail bond agencies, or (4) work for an employer who has been convicted of a felony or who openly associates with convicted felons.

Reference Section 3.7 "Outside Employment", of the Department Policy and Procedure Manual. (4-19-06) (Reviewed 2-18-2011)

2.34 Carrying of Firearms

Employees who are authorized to carry firearms shall carry them in accordance with the law and established Department policy and procedure. Employees who are authorized to carry a firearm, may (optional) carry a firearm, when off duty, except:

1. When consuming an amount of alcoholic beverages that would tend to adversely affect a reasonable person's senses or judgement, or render the employee unfit to report for their next regular tour of duty.
2. When under a doctor's care for a mental or physical illness which requires the employee to ingest any medication that would impair his/her normal reactions.
3. While suspended from duty or during the loss of police powers.

When authorized for off-duty carry, firearms shall be concealed from public view when the employee is wearing civilian attire. When a firearm is displayed in an on-duty status, the sworn employee shall wear their uniform badge in a position plainly visible from the employee's front and shall have their Department Identification Card on their person to present upon request.

Except in emergency situations, employees are responsible for securing firearms in a locked container when left in an unattended vehicle to minimize theft/loss. A "locked container" means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. If the firearm is placed in a locked container, the locked container must be placed out of plain view. The term "locked container" does not include the utility or glove compartment of a motor vehicle. If placing the firearm in a locked container out of plain view is not possible, the firearm shall be locked in a secured trunk of the unattended vehicle. This section does not apply during circumstances requiring a deputy to provide immediate aid or action that this is within the course of his or her official duties. (08-28-18)

2.35 Operation of Vehicles

Employees shall operate all county owned or maintained vehicles, or any vehicle being operated in the performance of their official duties, in a careful and prudent manner, and shall obey all laws of the state and all Departmental orders pertaining to such operation. Employees shall set a proper example for other persons by the manner in which they operate all vehicles in an official capacity. Loss or suspension of an employee's driver's license shall be reported to the Department immediately and may be cause for reassignment, suspension, or termination. When employees drive any vehicle requiring other than a regular driver's license (Class C) they shall possess the required class endorsement. (10-10-07) (Reviewed 12-31-2010)

2.36 Use of Department Equipment

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Employees shall utilize Department equipment only for its intended purpose, in accordance with established Departmental procedures and shall not abuse, damage or lose Department equipment. **All issued facility keys marked as "do not duplicate" shall not be copied without "Station, Facility or Division Commander" approval. Replacement facility keys shall be ordered from Sheriff's Facilities Management.** All Department equipment issued to employees, including manuals, shall be maintained in proper order. (01-25-18)

2.37 Dissemination of Information

Employees shall treat the official business of this Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Departmental procedures. Employees may remove or copy official records or reports from any law enforcement installation only in accordance with established Departmental procedures. Employees shall not divulge the identity of persons giving confidential information, except to their supervisors. (Reviewed 12-31-2010)

2.38 Intervention

Employees shall not use their position, or knowledge gained by employment with this Department, to intervene in, or interfere with any case, or investigation being handled by this Department, or any other agency. (Reviewed 12-31-2010)

2.39 Processing Property

Property which has been discovered, gathered or received in connection with Departmental responsibilities will be processed in accordance with established Departmental procedures. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property found or obtained in connection with the performance of their duties, except in accordance with Department procedures. (Reviewed 12-31-2010)

2.40 Abuse of Process/withholding Evidence

Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold evidence or information, or make false accusations of a criminal or traffic charge. (Reviewed 12-31-2010)

2.41 Departmental Reports

Employees shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by employees shall be truthful and complete; no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information, nor omit pertinent information reasonably expected to be included. (Reviewed 12-31-2010)

2.42 Payment of Debts

Employees shall not undertake any financial obligations which they know or should know they will be unable to meet. An isolated instance of financial irresponsibility will not be grounds for discipline, except in unusually severe cases. Repeated instances of financial difficulty may be cause for disciplinary action. Filing for voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen causes (such as medical expenses or personal disaster) shall not be cause for discipline, provided that a good faith effort, to settle all accounts, is being undertaken. (Reviewed 12-31-2010)

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2.43 Political Activity

Employees shall be permitted to:

- Register and vote in any election;
- Be candidates for elective public office, including Office of the Sheriff.
- Communicate through the mail or by other means, requests for political funds or contributions to a significant segment of the public which may include officers or employees of the county; however, employees shall not solicit political funds or contributions solely from other employees of the County of San Diego. (Govt. Code ' 3205.)
- Express opinions as individuals privately and publicly on political issues and candidates;
- Attend political conventions, rallies, and similar political gatherings;
- Actively engage in any non-partisan political functions;
- Sign political petitions as individuals;
- Make financial contributions to political organizations;
- Serve as election judges or clerks in performance of non-partisan duties as prescribed by state or local laws;
- Hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this section;
- Participate fully in public affairs to the extent that such endeavors do not impair efficient performance of official duties, or create real or apparent conflicts of interest.

Employees are prohibited from:

- Using their official capacity to influence, interfere with or affect the results of an election;
- Directly or indirectly, using, promising, threatening or attempting to use any official influence in aid of any political activity, or to affect the result of any election to political office, or upon any other corrupt condition or consideration;
- Engaging in political activity of any kind while in uniform prescribed for any employee of the County of San Diego or during any hours in which they have been directed to perform their assigned duties, or in any Sheriff's facility or on any property leased or controlled by the Sheriff's Department. (Govt. Code ' ' 3206, 3207.) (Reviewed 12-31-2010)

2.44 Labor Activities

Employees shall have the right to join labor organizations, but nothing shall compel this Department to recognize or to engage in collective bargaining with any such labor organizations, except as provided by law.

Employees shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing,

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influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment. (Reviewed 12-31-2010)

2.45 Use of Lie Detectors, Medical Examination, Photographs, Lineups

Lie Detectors

Employees may voluntarily submit to a lie detector test (as defined in Government Code section 3307(b)) when the examinations are specifically directed and narrowly related to a particular investigation being conducted by this Department (see Section 3307 Government Code).

Medical Examinations; Tests; Photographs; Lineups

Upon the order of the Sheriff or the Sheriff's designee, employees shall submit to any medical, ballistics, chemical or other tests, photographs, or lineups. All procedures carried out under this section shall be specifically directed and narrowly related to a particular administrative investigation being conducted by this Department.

Excerpt from Government Code for reference:

3307. (a) No public safety officer shall be compelled to submit to a lie detector test against his or her will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a lie detector test, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take, or did not take, a lie detector test, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take, or was subjected to a lie detector test.

(b) For the purpose of this section, "lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device, whether mechanical or electrical, that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual. (03-21-12)

2.46 Truthfulness

When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete. (Reviewed 1-27-2011)

2.47 Financial Disclosure

Employees shall submit financial disclosures and responsibility statements in a prescribed manner if required by the Sheriff in connection with an investigation in which this information is material to that investigation. (Reviewed 1-27-2011)

2.48 Treatment of Persons in Custody

Employees shall not mistreat, nor abuse physically or verbally, persons who are in their custody. Employees shall handle such persons in accordance with law and established Departmental procedures. (Reviewed 1-16-2011)

2.49 Use of Force

Employees shall not use more force in any situation than is reasonably necessary under the circumstances. Employees shall use force in accordance with law and established Departmental procedures, and report all use of force in writing. (Reviewed 1-16-2011)

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2.50 Use of Lethal/less Lethal Weapons

Employees shall not use or handle lethal or less lethal weapons (including chemical agents, saps, batons, taser guns, etc.) in a careless or imprudent manner. Employees shall use these weapons in accordance with law and established Departmental procedures. (Reviewed 1-16-2011)

2.51 Arrest, Search and Seizure

Employees shall not make any arrest, search or seizure, nor conduct any investigation or official Department business, in a manner which they know or ought to know is not in accordance with law and established Department policies and procedures. (Reviewed 1-16-2011)

2.52 Conflicts of Interest

No employee shall make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which the employee knows, or has reason to know, that he or she has a financial interest. (Govt. Code ' ' 1090, 87100 et seq.). (Reviewed 1-16-2011)

2.53 Discrimination

Employees shall not express any prejudice or harassment concerning race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, gender, age, political beliefs, sexual orientation, sexual or gender identity, lifestyle or similar personal characteristics.

Examples of discriminatory acts which will not be tolerated include the use of verbal derogatory comments, slurs, or jokes, derogatory pictures, cartoons or posters and actions which result in a person being treated unequally. (01-4-21)

2.54 Sexual Harassment

Employees shall not participate in or allow behaviors or situations that they know or should know, constitute sexual harassment as outlined in state and federal law. Employees shall take swift action to stop the offensive behavior or correct the situation. Employees shall not retaliate in any way against a complaining party or witness involved in sexual harassment allegations. (08-18-97) (Reviewed 1-16-2011)

2.55 Non-Biased Based Policing

A. All investigative detentions, traffic stops, arrests, searches, and seizures of property by employees will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution, applicable case law and relevant statutory authority. Employees must be able to articulate specific facts and circumstances, which support probable cause for an arrest or search or reasonable suspicion for a traffic stop, or detention.

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- All sworn staff will receive training on racial and identity profiling to include training on implicit bias. It is the expectation of the department that all staff will interact with members of the public in a professional, fair and nondiscriminatory manner.
- All personnel should treat the public equally without regard to race, gender, sexual orientation, gender identity or expression or disability, either physical or mental.

B. Except as provided in this procedure, employees shall not consider actual or perceived race, ethnicity, religion, national origin, sexual orientation, gender identity or expression, mental or physical disability establishing either reasonable suspicion or probable cause when conducting law enforcement activities. Such activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and non-consensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

C. Employees may take into account a reported descriptor such as race, ethnicity, religion, national origin, sexual orientation, gender, or lifestyle of a specific suspect or suspects based on credible, reliable and relevant information that links a person(s) of a specific descriptor to a particular criminal incident(s). In a custodial setting, appropriate consideration of race, ethnicity, origin, sexual orientation, and gender may be used for purposes of housing, classification, transportation or any other matters affecting the status of a person in departmental custody when necessary for the safety and security of the person or the facility. Consideration of the above-mentioned personal characteristics shall not be used for purposes of administrative discipline.

Race, ethnicity, religion, national origin, sexual orientation, gender, or lifestyle can never be the sole factor in establishing reasonable suspicion or probable cause, but can, in the restricted circumstances described above, be one factor of the totality of the circumstances.

D. To further this effort and comply with state law, employees will be required to collect and document all information required under Assembly Bill 953, The Racial and Identity Profiling Act (RIPA). The regulations specify the reporting requirements and data that shall be collected and reported on each detention or search, including consensual searches, by a peace officer, consistent with Government Code section 12525.5, the updated definition of "racial or identity profiling" listed there, and the guidelines provided by the California Attorney General and/or California Department of Justice regarding its application. The answers are to be based on the deputy's perception at the time of the stop and not utilize external reference information, questioning, or other personal identifying information to formulate their responses.

- Data collection shall be entered using the Sheriff's RIPA specific application. The application can be accessed via a desktop computer, Mobile Data Computer (MDC), or other mobile device connected to the Sheriff's network.
- Per the statute, deputies shall enter all required data as soon as practical, but no later than the end of shift barring extreme circumstances. All entries must be entered within 24 hours of the initial contact.
- All entries shall be completed by the deputy that initiated the detention, arrest or search. The entry cannot be made by another deputy or law enforcement officer. In the event the application cannot be used for technical or logistical reasons, the information shall be temporarily recorded on a SO-210 RIPA Temporary Collection Form until access to the application can be restored, at-which point the data must be entered as soon as practical. Deputies shall not collect RIPA data related to detentions/contacts that occur in a custodial setting. Per the California Department of Justice, "custodial setting" is defined as: correctional institutions, juvenile detention facilities, and jails, including parking lots and grounds within the perimeter of these enumerated facilities. Custodial setting does not include home detention or any

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circumstances where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails.

- Deputies are not required to collect RIPA data related to detentions/contacts that occur in a custodial setting at courthouses. This would apply to weapon's screening areas, holding cells and inside of a courtroom when action is taken at the direction of the court.

E. The San Diego Sheriff's Department will conduct audits of the RIPA stop data to verify compliance and accuracy of the data. The department will also review, verify and analyze the RIPA Stop Data. (07-06-20)

2.56 Off Duty Intervention

In determining whether or not to intervene, the off duty peace officer should consider the totality of the situation. In a case where action is considered necessary, to prevent death, the possibility of death or serious bodily injury, significant property damage or loss, the off duty peace officer should consider the offense involved, the difficulty that being off duty tactically and operationally presents, and/or other factors as articulated and observed by the off duty peace officer.

If an off duty peace officer intervenes in the criminal conduct, he/she must, if reasonably possible, identify themselves, their agency and their intent to stop the criminal conduct. Any law enforcement action taken by the peace officer will be governed by the policies and procedures, rules and regulations that apply to on duty personnel.

When outside the limits of their jurisdiction, but within the State of California, off duty peace officers may assist any law enforcement officer who appears to be in need of immediate assistance and may assist in the prevention of the commission of any crime involving the immediate danger to persons or property, or of the escape of the perpetrator of the offense.

Off duty peace officers outside the state of California, do not have police officer powers/status and therefore have only the rights and obligations of private citizens of that state. (07-11-08) (Reviewed 1-27-2011)

2.57 DUTY TO INTERCEDE

As a Sheriff's Department employee, we represent our organization and are accountable for upholding Department values to maintain public trust. Sworn staff employees have tremendous authority and that authority must be balanced with responsibility to meet the high standards of the communities we serve.

Department training, expectations, and practices require intervention when sworn employees witness or have knowledge of criminal activity (i.e., misdemeanor or felony crimes) or potential excessive force by any department employee or sworn law enforcement officer.

SECTION 2 RULES OF CONDUCT

San Diego County Sheriff's Department - Procedure Section

Definitions:

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 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.
- Reporting to a supervisor or the watch commander on duty or dispatch to have them intercede. The reporting deputy will have to state the offending officer's name, unit, location, time, and situation.

Potential excessive force is defined as force that an employee believes to be beyond that which is necessary, taking into account the possibility that other deputies may have additional information regarding the threat posed by a subject.

Employee Responsibilities:

All employees, whether on-duty or off-duty, have an affirmative duty to obey all laws and report circumstances where non-conformance to laws has been, or may be, alleged by any law enforcement agency as per SDSD P&P Section 2.6 *Conformance to Laws*.

All employees, whether on-duty or off-duty have an affirmative duty to report misconduct as per SDSD P&P Section 2.59 *Duty to Report Misconduct*.

Sworn Staff

Any **on-duty** sworn staff employee who has knowledge of another employee's criminal activity or potential excessive force, has a duty to intercede and immediately report the activity to a supervisor.

Any **off-duty** sworn staff employee who has knowledge of another employee's criminal activity or potential excessive force, has a duty to immediately report the activity to a supervisor.

The presence of a supervisor does not relieve an employee of their duty to intercede and/or report the activity.

A sworn staff employee that has received all required training on the requirement to intercede, and who fails to act upon observing another employee using force that is clearly beyond that which is necessary shall be disciplined up to and including in the same manner as the deputy that committed the excessive force.

Professional Staff

Any professional staff employee, whether on-duty or off-duty, who witnesses or has knowledge of any criminal activity or potential excessive force by a department employee has a duty to immediately report the incident to their supervisor or internal affairs. The presence of a supervisor does not relieve an employee of their duty to report the activity.

Supervisor Responsibilities:

Supervisors receiving complaints shall conduct an appropriate investigation and notify their chain of command of the allegation and all actions taken since receiving notification. (12-31-21)

SECTION 2 RULES OF CONDUCT

**2.58 Law Enforcement
Gangs**

Employees are prohibited from any participation in a law enforcement gang. Any participation in a gang is grounds for termination. A "law enforcement gang" is 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 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. (12-31-21)

**2.59 DUTY TO REPORT
MISCONDUCT**

Duty to Report Misconduct

All employees both sworn and non-sworn have an affirmative duty to report misconduct. When reporting serious acts of misconduct, employees do not have to adhere to the chain of command. If the misconduct has implications of criminal activity, corruption, or other serious offenses, employees may report directly to the Internal Affairs Unit.

Misconduct is defined as serious or repeated misconduct that violates department policy and procedure, equates to criminal activity, or otherwise evidences a lack of fitness to serve as a peace officer. Examples of misconduct include, but are not limited to, policy violations of truthfulness, discrimination, excessive force, sexual harassment, moral turpitude, or constitutional violations.

Employees have an affirmative duty to cooperate fully during the investigation of an allegation of employee misconduct. (12-31-21)



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT
RISK MANAGEMENT/MEDICAL LIAISON UNIT

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CBD Products

Since the passage of Proposition 64, the Risk Management/Medical Liaison Unit has received a number of inquiries from employees regarding the use of CBD products. The 2018 Farm Bill raised additional questions as the Federal government reclassified industrial hemp and industrial hemp products, removing those products from Schedule I of the Controlled Substances Act.

Marijuana and hemp are broad classifications of the cannabis plant. Marijuana is a term generally used to classify varieties of cannabis that contain more than 0.3% tetrahydrocannabinol (THC). Hemp is the term generally used to classify varieties of cannabis that contain 0.3% or less THC content.

Marijuana and products derived from marijuana, including most CBD products, are Schedule I drugs under the Controlled Substances Act and remain illegal under Federal law. Schedule I drugs are drugs the Federal government has determined to have no currently accepted medical use and a high potential for abuse. Schedule I drugs, including marijuana, may not be prescribed by a physician. A medical marijuana "recommendation" is not a prescription.

Cannabidiol, or CBD, is another chemical compound found in the cannabis plant and hemp, is non-intoxicating and does not cause the noticeable euphoric effects associated with THC. It is the second most prevalent of the active ingredients of cannabis. CBD products are often sold as standalone products such as beauty products (moisturizing gels, creams, lotions), oil-based tinctures/capsules (hemp, coconut, MCT oil), topicals (massage oils, muscle soreness, skin conditions), edibles, vape products and others.

CBD products can be derived from marijuana or hemp, including industrial hemp. Whether a CBD product is legal under both State and Federal law; depends on the type of plant the CBD was derived from.

After the passage of the 2018 Farm Bill, which removed industrial hemp from Schedule I, a flood of CBD products appeared on the market claiming to be derived from "hemp." Currently, the labeling of CBD products is unregulated. The Food and Drug Administration has not set regulatory standards for CBD nor does it certify products that are legal under Federal law. As a result, CBD manufacturers have come under a great deal of governmental scrutiny as CBD is currently most available as an unregulated supplement and it is difficult to truly know what one is getting.

What is the San Diego Sheriff Department's recommendation?

Although Proposition 64 decriminalized marijuana under State law, marijuana and CBD products derived from marijuana remain illegal under Federal law.

Sheriff's Department P&P Section 2.11 provides: "The Sheriff's Department maintains a drug and alcohol free workplace as provided by law. Federal law prohibits the possession, use, manufacture, cultivation and distribution of marijuana. As such, marijuana possession, use, manufacture, cultivation and distribution by all employees is prohibited whether on or off duty."

It also provides: "Employees shall not use any controlled substances, narcotics, or hallucinogens except when prescribed in the treatment of employees by one legally authorized to prescribe such medication."

Use or ingestion of a product the employee "thought" was legal will not excuse a violation of Sheriff's Department P&P Section 2.11.

Marijuana and CBD products derived from marijuana remain Schedule I drugs under Federal law and may not be prescribed by a physician. A medical marijuana "recommendation" is **not** the same as a prescription.

All Sheriff's Department employees are prohibited from using Marijuana and/or CBD products derived from marijuana.

Until the Federal government establishes regulations and procedures to certify CBD products that are legal under Federal law, the Sheriff's Department strongly recommends that employees refrain from using any CBD product.

Employee Resources

The Counseling Team and Employee Assistance Program (EAP) are available to you and your family at no cost to you should you need their services. They have convenient resources within your reach that can help you and your household members. Please contact the Counseling Team directly at 800-222-9691 or EAP at 800-999-7222.

[The Counseling Team International](#)

[Employee Assistance Program \(EAP\)](#)

If you have any additional need of services, please contact Sheriff's Medical Liaison Unit at 858-974-2032 or email us at Liaison.Medical@sdsheriff.org.