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San Diego County Sheriff's Department

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William D. Gore, Sheriff

August 27, 2018

Sandra Arkin, Board Chairperson
Citizens' Law Enforcement Review Board
555 West Beech Street, Suite 505
San Diego, CA 92101-3819

CLERB POLICY RECOMMENDATION POLICY 6.111 HIGH RISK ENTRIES

Dear Chairperson Arkin:

The Sheriff's Department welcomes and supports the Citizens' Law Enforcement Review Board's (CLERB) independent review of complaints alleging improper actions by members of this organization. We continuously strive to respond with professionalism and concern to the citizens we serve and the CLERB process provides invaluable input to that end.

The letter from CLERB dated July 11, 2018 recommended policy changes related to the Sheriff's Department Policy 6.111 "High Risk Entries." Specifically, CLERB requested the following:

- It is recommended that the SDSA review Policy and Procedure 6.111, High Risk Entries, and clarify the ambiguity pertaining to the completion of a High Risk Entry Checklist (Checklist) prior to serving an arrest warrant when there is no plan to enter a structure to do so. The Policy statement indicates that "the High Risk Entry Checklist shall be completed to determine the threat level before any entry is made pursuant to an arrest warrant, search warrant, or 4th waiver search." The first sentence of the Procedure section mandates that "prior to serving a search warrant, arrest warrant, or conducting a 4th waiver search, the deputy responsible for the case will complete the Checklist." To clarify the conflict with the Policy statement, CLERB proposes changing the Procedure sentence to the following: "Before any entry is made pursuant to serving a search warrant, arrest warrant, or conducting a 4th waiver search, the Deputy responsible for the case will complete the High Risk Entry Checklist."

This recommendation was thoroughly reviewed at all levels in this organization. The title of the policy is "High Risk Entries." This policy is not limited to searches of buildings. A few examples where the check list may be considered or not are as follows:

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Example 1:

If a search warrant was going to be conducted on a large property, where there are rolling hills, outbuildings, counter surveillance, a possibility of narcotics manufacturing/ growing/ or cultivation, or where there is an increased risk to deputies, the High Risk Checklist would likely be completed.

Example 2:

A deputy is on patrol and sees "John Citizen," whom the deputy may know has a valid 4th waiver or may not know and initiates a contact regardless. While speaking with the person, the deputy learns the person has a valid 4th Waiver. The deputy could make *entry* into the pockets of Mr. Citizen, pursuant to the 4th waiver. In this instance, a High Risk Checklist would likely not be utilized.

Example 3:

A deputy conducts a traffic stop on "John Citizen" and during the course of the contact, the deputy learns the subject has a valid 4th Waiver. The deputy could make *entry* into the car and conduct a search, pursuant to the 4th Waiver. In this instance, a High Risk Checklist would likely not be utilized.

Example 4:

A deputy sees "John Citizen" and knows that Mr. Citizen has a warrant for his arrest. The deputy tries to initiate a contact with the subject and the subject runs from the deputy. The deputy initiates a pursuit and Mr. Citizen runs into a house. The deputy may utilize current Case Law (Fresh Pursuit Doctrine), make *entry* into the house and not complete the High Risk Checklist. However, the deputy could also decide to not make *entry*, establish a perimeter, wait for additional resources, and if entry is ultimately made, the completion of the High Risk Checklist would be expected. In this instance, there are two variations of handling this situation. The deputy may elect to complete the High Risk Checklist or not

Example 5:

A deputy obtains a search warrant for a person's blood or saliva sample. The deputy contacts the person and an arrangement is made for the person to meet the deputy at a certain location. Upon arrival, the search warrant is executed for the blood or saliva sample. A High Risk Checklist would likely not be used for the execution of the search warrant.

Example 6:

A deputy obtains a search warrant for a residence that is believed to house a drug lab or prostitution ring. Additionally, the deputy believes there is a likelihood of encountering multiple suspects, the front door is barricaded, and given these circumstances, it is believed that the inherent danger to the deputy is higher. Prior to the service of the search warrant, the deputy would complete the High Risk Checklist as per our Department Policy and Procedures.

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In closing, the previous listed examples are not all inclusive. Law Enforcement work is a rapidly evolving, fluid situation with each call or contact slightly different from previous contacts. We appreciate the time and effort of the Citizen's Law Enforcement Review Board. We believe the policy, as written, already serves the goals of the Sheriff's Department. I would like to thank you for your service to the Citizens of San Diego County and the policy recommendation. It is our goal to provide the "Highest quality public safety services" to everyone in San Diego County.

Sincerely,

WILLIAM D. GORE, SHERIFF

A handwritten signature in black ink, appearing to read 'D. Gilmore', written over the typed name of David Gilmore.

David Gilmore, Lieutenant
Office of the Sheriff
Division of Inspectional Services

DG: adm