

Fulton El Camino Park Police Policy Manual

CHIEF'S PREFACE

The "Policies and Procedures Manual" contains the operational orders established by the Police Department to maintain the safety of our employees while we provide public safety and police services to our stakeholders. These policies represent our commitment to service and reflect our organizational values of service, integrity, accountability, and professionalism.

Recognizing the need for uniformity, effectiveness, and efficiency, all Fulton-El Camino Park Police Department personnel are required to be familiar with the written policies and procedures contained in this manual. This manual represents our intent to identify roles, responsibilities, underlining principles and philosophies on how we should conduct ourselves as we go about our daily tasks and duties.

Written policies and procedures are necessary to clearly define our agency's position and provide guidelines with which our personnel can make administrative, investigative, and operational judgments. These policies shall remain in effect as issued and in the event of conflict with previously written directives, training bulletins, or standard operating procedures, the policies contained herein shall assume precedence. Recognition of errors or deficiencies in the intent or text of these policies and procedures shall be reported in writing to the office of the Chief of Police, via the chain of command, for appropriate disposition.

Robert Erickson, Chief of Police

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life,

I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Mission Statement

The Fulton- El Camino Park Police provides safety and security to our parks and the patrons that enjoy them. This is accomplished through the presence of highly-visible peace officers in the parks, a focus on quality of life issues, and the enforcement of laws when necessary

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Chapter 1 Law Enforcement Role and Authority

Law Enforcement Authority

8100.1 PURPOSE AND SCOPE

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

8100.2 PEACE OFFICER POWERS

Sworn members of this Department shall be considered peace officers pursuant to Penal Code §830.1, 830.31 or 830.6. The authority of any such peace officers extend to any place in the State of California, as follows:

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

8100.3 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

Chief Executive Officer

8102.1 PURPOSE AND SCOPE

The California Penal and Government Codes have mandated that all sworn officers employed within the State of California shall receive the minimum prescribed POST certified training required for peace officers identified in the Penal Code sections by which authority they are deemed peace officers (830.1, 830.31, and 830.6) before exercising the rights of a peace officer.

8102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

The Chief Executive of the Fulton-El Camino Recreation and Park District is the General Manager appointed by the Board of Directors. All authority vested to the Chief of Police by this document is also held by the General Manager.

Oath of Office

8104.1 PURPOSE AND SCOPE

Officers of this department are sworn to uphold the federal and state constitutions and to

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enforce federal, state and local laws.

8104.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer.

Policy Manual

8106.1 PURPOSE AND SCOPE

The manual of the Fulton El Camino Park Police is hereby established and shall be referred to as the "POLICY MANUAL". The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this department. All employees are to conform to the provisions of this manual. The governing board of the Fulton El Camino recognizes the General Orders manual as an extension of the district policy and procedures manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized, however, that police work is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

8106.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the Chief, however, oversight and maintenance of the manual may be delegated to the Chief's designee.

8106.2.1 CHIEF

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

8106.2.2 STAFF / CHAIN OF COMMAND

The staff shall follow the "chain of command" in all matters related to the department. The chain of command shall proceed level by level, beginning with the Officer/Park Ranger, until reaching the Board of Director's level. Staff positions below the Board of Directors shall consist of the following:

- Park District General Manager
- Chief of Police
- Deputy Chief of Police
- Captain
- Lieutenant
- Sergeant
- Police Officers/Park Rangers /Reserve Park Rangers/Detectives

Command staff (Chief through Captain) shall review all recommendations regarding proposed changes to the manual at staff meetings. The Chief shall have the ultimate decision making authority in all policy matters of the department. (See Attachment A for organizational chart)

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8106.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing using the appropriate form, to their supervisor, who will review the suggestion and determine whether it should be considered at the Command level.

8106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

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

8106.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Special Orders may be abbreviated as "SO"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

8106.3.2 DEFINITIONS

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

Adult Shall mean any person 18 years of age or older

CHP Shall refer to the California Highway Patrol

District Shall mean the Fulton El Camino Recreation and Park District

Department/FEPD Shall mean the Fulton El Camino Park Police

DMV Shall mean the Department of Motor Vehicles

Employee/Personnel Shall apply to any person employed by the Department

Juvenile Shall mean any person under the age of 18 years

Manual Shall refer to the Fulton El Camino Park Police General Orders Manual

Member Term applied to all persons who are employed by the Police Department and shall include sworn officers and civilian employees. This includes reserve officers and volunteers.

Officer/Sworn Applies to those employees, regardless of rank, or title who are sworn employees of the Fulton El Camino Park Police.

On-duty Employee status during the period when he/she is actually engaged in the performance of his or her assigned duties

Order An instruction either written or verbal issued by a superior

POST Shall mean the California Commission on Peace Officer Standards and Training

Rank Shall mean the title of the classification held by an officer

Shall Indicates a mandatory action

Should (or may) Indicates a permissive or discretionary action

8106.3.3 DISTRIBUTION OF MANUAL

Copies of the department manual shall be issued in the following locations:

- Office of the Chief of Police
- Any satellite police offices or facilities

A computerized version of the Policy Manual will be made available on the Department network for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from Staff.

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8106.4 MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain necessary clarification of this department's policies. All employees are required to sign a statement of receipt acknowledging that they have received a copy, or have been provided access to the Policy Manual and understand they are responsible to read and become familiar with its contents.

8106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. Supervisors will forward revisions to the Policy Manual as needed to all personnel via electronic mail and hard copy. Each employee shall acknowledge receipt by return email and signed receipt, review the revisions and seek clarification as needed. Each supervisor will ensure that employees under his/her command are aware of any Policy Manual revisions.

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Chapter 2 Organization and Administration

Organizational Structure and Responsibility

8200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

8200.2 COMMAND PROTOCOL

The organization and Chain of Command of the Department, as approved by the board of directors and General Manager is as follows:

Chief of Police
Deputy Chief of Police
Captain
Lieutenant
Sergeant
Police Officers/Park Rangers /Reserve Park Rangers/Detectives

The Chief of Police may elect to fill or leave vacant any classification described above.

8200.2.1 SUCCESSION OF COMMAND

The Chief is the Department Commander and exercises control over all personnel and operations of the Department. The Chief is assisted in that endeavor by the Deputy Chief who is the Assistant Commander. During planned or emergency absences of the Chief the Deputy Chief shall serve as the acting Chief.

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In the absence of the Chief administrative and operational control of the department shall defer to the next lower position in the chain of command.

8200.2.2 UNITY OF COMMAND

The principles of unity ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., surveillance, etc), any supervisor may temporarily direct any subordinate if an operational necessity exists.

8200.2.3 ORDERS

Employees shall respond to and comply with the lawful verbal and/or written order of superior officers and other proper authority (i.e. OIC, incident commanders of another agency, SSD field supervisors). Failure to comply with such orders shall be deemed insubordination.

Special Order

8204.1 PURPOSE AND SCOPE

Special Orders establish an interdepartmental communication that may be used by the Chief to make immediate changes to policy and procedure as permitted by Government Code § 3500 et seq. Special Orders will immediately modify or change and supersede sections of this manual to which they pertain.

8204.1.1 SPECIAL ORDER PROTOCOL

Special Orders will be incorporated into the manual as directed by the Chief. Special Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

Any Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 0901 signifies the first Special Order for the year 2009.

204.2 RESPONSIBILITIES

8204.2.1 COMMAND STAFF

The Command staff shall consist of the Chief, Deputy Chief and Captain ranks. Command staff shall review the policy manual and make recommendations regarding revisions, which will incorporate changes originally made by a Special Order.

8204.2.2 CHIEF

The Chief shall issue all Special Orders.

Training Policy

8208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the

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Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the District.

8208.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

8208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public
- (b) Increase the technical expertise and overall effectiveness of our personnel
- (c) Provide for continued professional development of department personnel

8208.4 TRAINING PLAN

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

- Perishable Skills Training/AOT (24 hours every 2 years)
- Trimester Weapons Proficiency Training (one 8 hour training day, to include "off duty" weapon qualification, and two 4 hour qualification days per fiscal year)
- Specialized Training (as required)

8208.5 TRAINING NEEDS ASSESSMENT

The Training Manager will conduct an annual training needs assessment of the Department. The needs assessment will be reviewed by the Command staff. Upon approval by the Command staff, the needs assessment will form the basis for the training plan for the fiscal year.

Electronic Mail

8212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

8212.2 EMAIL RIGHT OF PRIVACY

All email messages, including attachments, transmitted over the Department computer network are considered Department records and, therefore, are the property of the Department. The Department reserves the right to access, audit, and disclose for whatever reason, all messages, including attachments, transmitted over its email

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system or placed into its storage.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the email system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the Department's email system shall have no expectation of privacy concerning communications utilizing the system.

8212.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief or the Deputy Chief. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

8212.4 MANAGEMENT OF EMAIL

Because the email system is not designed for long-term retention of messages, email that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of email are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages in excess of one month will be deleted at regular intervals from the server computer.

Administrative Communications

8214.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

8214.2 PERSONNEL ORDER

Personnel Order may be issued periodically by the Chief to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

8214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief. Personnel should use Department letterhead only for official business and with approval of their supervisor.

8214.4 SURVEYS

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All surveys made in the name of the Department shall be authorized by the Chief.

Staffing Levels

8216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that appropriate minimum staffing is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs of the District. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

8216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one officer on duty, per shift, (7) seven days per week whenever possible. Whenever it is not practical to have a Supervisor on duty during each shift, "On Call" Supervisor assignments will rest with a member of the Command staff.

8216.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, authorized officers may be used as field supervisors in place of a member of the command staff.

With prior authorization from the Chief, an officer may act as the Field Supervisor for a limited period of time.

Chapter 3 General Operations

Use of Force

8300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

8300.1.1 PHILOSOPHY

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

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

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

8300.2 POLICY

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

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

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8300.2.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Penal Code § 835a).

8300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the Ranger under the circumstances).
- (f) Seriousness of the suspected offense or reason for contact with the individual.
- (g) Training and experience of the officer.
- (h) Potential for injury to citizens, officers and suspects.
- (i) Risk of escape.
- (j) Other exigent circumstances.

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

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

It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be

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objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

8300.2.3 NONDEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force.

Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints, control devices and TASER described in Policy Manual §§ 8306, 8308 and 8309 respectively.

8300.2.4 PAIN COMPLIANCE TECHNIQUES

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

- (a) The potential for injury to the officer(s) or others if the technique is not used
- (b) The potential risk of serious injury to the individual being controlled
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance
- (d) The nature of the offense involved
- (e) The level of resistance of the individual(s) involved
- (f) The need for prompt resolution of the situation
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives

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

8300.2.5 CAROTID RESTRAINT

The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual however due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:

- (a) The officer shall have received departmentally approved training in the use and application of the carotid restraint.
- (b) The carotid restraint may only be used when the officer reasonably believes that such a hold appears necessary to prevent serious injury or death to an officer or other person(s).

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(c) Any individual who has been rendered unconscious by the use of the carotid restraint shall be promptly examined by paramedics or other qualified medical personnel.

(d) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result.

(e) Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold.

(f) The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in any related reports.

8300.3 DEADLY FORCE APPLICATIONS

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

(a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to any other person if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

8300.4 REPORTING THE USE OF FORCE

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in a **"Use of Force"** report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law.

8300.4.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) The application of force appears to have caused physical injury
- (b) The individual has expressed a complaint of pain
- (c) Any application of a control device (Baton, Electronic Control Device, etc)
- (d) The individual has been rendered unconscious

8300.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person who has

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sustained visible injury, expressed a complaint of injury or continuing pain, or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

8300.5 SUPERVISOR RESPONSIBILITY

A supervisor shall respond to the scene of an incident in which there has been a reported application of force. The supervisor is expected to:

- (a) Obtain the basic facts from the involved officer(s)
- (b) Ensure that any injured parties are examined and treated
- (c) Separately interview the subject(s) upon whom force was applied if practical
- (d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas
- (e) Identify any witnesses not already included in related reports
- (f) Review and approve all related reports

In the event that the supervisor believes that the incident may give rise to potential civil litigation, a memorandum detailing events should be completed and routed to appropriate channels including the General Manager.

Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

Deadly Force Review

8302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of deadly force by employees of this department.

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8302.2 REVIEW BOARD

The Fulton El Camino Park Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. When the use of deadly force by an employee results in injury or death to a person, it is the policy of this department to utilize the investigative services of the primary law enforcement agency and district attorney, in the jurisdiction in which the incident occurred.

The investigation shall include a review of the circumstances surrounding every accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training or recreational use.

8302.2.1 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board shall be comprised of the following persons;

- Detectives and Supervisors from the law enforcement agency having primary jurisdiction in the location of the incident.
- District Attorney Investigators and Supervisors from the District Attorney's office having primary jurisdiction in the location of the incident.
- FEPD personnel designated by the Chief.

8302.2.2 RESPONSIBILITIES OF THE BOARD

The Use of Deadly Force Review Board is empowered to conduct an administrative investigation into the circumstances of an incident. The Board membership may request further investigation, call persons to present information, and may request that the involved employees appear before the Board. The involved employees will be notified of the meeting of the Board and may be represented by legal counsel and/or other representation through all phases of the review process.

Absent an expressed waiver from the employee, no more than two members of the Board may ask questions of the involved employee.

If it appears that the actions of the employee(s) may result in criminal charges or disciplinary action by the Department, the Board will conduct the interviews in accordance with department disciplinary procedures. The Board does not have the authority to recommend discipline. The Board shall make a finding and such finding will be limited to one of the following:

- (a) The employee's actions were within department policy and procedures.
- (b) The employee's actions were in violation of department policy and procedure.

A finding will be the consensus of the Board. After the board has concluded, the board chairman will submit written findings of the board to the Chief for review and appropriate action.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief. Once the Board has reached its specific finding, the Training Manager may address training needs and recommendations for this department without specific reference to the facts of the incident considered by the Board.

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Shooting Policy

8304.1 PURPOSE AND SCOPE

The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase the Department's and/or an officer's civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

304.1.1 POLICY

It is the policy of this department to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

(a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to effect the arrest or prevent the escape of a suspected felon when the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting or threatened inflicting of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.

(c) To stop a dangerous animal.

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

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

(d) Officers shall attempt to contact animal control personnel to respond and take custody of, and/or euthanize an animal that is so badly injured that human compassion requires its removal from further suffering. Where this and other dispositions are impractical, a supervisor may authorize an officer to euthanize the animal if the action does not jeopardize public safety (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed .

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(e) For target practice at an approved range.

(f) Warning shots- Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

Where feasible, a verbal warning should be given before an officer resorts to deadly force as outlined (a) and (b) above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible.

8304.1.2 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

(a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.

(b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.

(c) Officers may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

8304.1.3 REPORT OF WEAPON DISCHARGE

Except during training or recreational use, any member who discharges a weapon accidentally or intentionally, on or off duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If on duty at the time of the incident the member shall immediately notify his/her supervisor and file a written report prior to the end of shift and if off duty, file a written report within 24 hours.

Control Devices and Techniques

8308.1 PURPOSE AND SCOPE

To reduce and minimize altercation related injuries to officers and suspects, the Department authorizes the use of selected control devices. Certain control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation related injuries to officers and suspects.

The below procedures are for the use and maintenance of control devices (e.g., baton, oleoresin capicum (OC) spray and tear gas). Only those control devices that have been approved by the Chief or his/her designee are authorized to be carried by members of this department.

8308.1.1 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, an approved control device may only be used when its use appears reasonable under the

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circumstances.

8308.1.2 REVIEW, INSPECTION AND APPROVAL

Every control device will be periodically inspected by the department Armorer or Range Master, or the designated instructor for a particular control device.

8308.1.3 TRAINING FOR CONTROL DEVICES

(a) Only officers trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the device. Proficiency training must be monitored and documented by a POST or device (TASER) certified weapons or tactics instructor.

(b) Training for all control devices should occur every two years at a minimum per POST guidelines.

(c) All training and proficiency for control devices will be documented in the officer's training file.

(d) Officers failing to demonstrate proficiency with the weapon or knowledge of this agency's Use of Force policy will be provided remedial training. If, after two additional attempts, an officer still cannot demonstrate proficiency with a weapon or knowledge of this agency's Use of Force policy, the officer may be subject to discipline.

8308.2 BATON GUIDELINES

The baton is authorized for use when, based upon the circumstances perceived by the officer, such force reasonably appears justified and necessary to result in the safe control of the suspect.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect may cause serious bodily injury or death to the officer or others.

8308.3 CHEMICAL AGENTS SPRAY GUIDELINES

Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

8308.3.1 REQUIRED INSTRUCTION FOR USE

All personnel authorized to carry oleoresin capsicum spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

8308.3.2 CARRYING OF OLEORESIN CAPSICUM SPRAY

Uniformed field personnel carrying the oleoresin capsicum spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry the oleoresin capsicum spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

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Canisters involved in any type of malfunction or damage shall be turned in to the Armorer/Range Master for exchange. Damage to District Property forms shall also be forwarded to the appropriate supervisor and shall explain the cause of damage.

8308.3.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been affected by the use of chemical agents should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

8308.3.4 REPORT OF USE

All uses of chemical agents shall be documented in the related arrest/crime report and "use of force" form.

8308.4 RESPONSIBILITIES

8308.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor shall monitor the use of control devices in the same manner as all other use of force incidents.

(a) The Shift Supervisor may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training.

(b) The Shift Supervisor shall review each use of control devices by any personnel within his or her command.

(c) The Shift Supervisor shall ensure training on the use of control devices is obtained as needed.

8308.4.2 ARMORER/RANGE MASTER RESPONSIBILITIES

The Armorer/Range Master shall control the inventory of department provided control devices. All damaged, inoperative and/or expended department provided control devices shall be returned to the Armorer/Range Master for disposition, repair or replacement.

8308.4.3 MAINTENANCE RESPONSIBILITY

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

8308.5 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual § 300.4 and 300.5.

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TASER™ Guidelines

8309.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the TASER™ device is an electronic control device considered a less-lethal control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

8309.2 POLICY

Personnel who have completed department approved training may use a Department provided TASER during their shift. Personnel shall return the TASER to the department's armory at the end of each and every shift. Officers shall only use TASER and cartridges that have been issued by the Department. The Department will only provide and authorize TASERS which are distinctly marked to differentiate them from the duty weapon and any other device. (ie. bright yellow, etc in color). The device may be carried either as a part of a uniformed officer's equipment in a department approved holster or secured in the driver's compartment of the officer's vehicle so that it is readily accessible at all times.

(a) When the TASER is carried as a part of a uniformed officer's equipment, the TASER be carried on the side opposite from the duty weapon.

(b) All TASERS shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device. (ie. bright yellow, etc in color)

(c) Whenever practical and inventory permits, officers should carry a total of two or more TASER cartridges on their person at all times while carrying a TASER. Officers shall not leave another TASER inoperable by removing the cartridge for the purposes of carrying two or more cartridges.

(d) Officers shall be responsible for checking to insure that the Department provided TASER is in good working order prior to the start of the shift. TASERS found to be less than fully functional shall be clearly tagged as "inoperable" and a supervisor notified.

(e) Officers should never hold both a firearm and the TASER at the same time unless lethal force is justified.

(f) Whenever multiple events/assignments occur simultaneously, TASERS will be distributed so that at least one officer at each event has a TASER.

8309.3 VERBAL AND VISUAL WARNINGS

Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the TASER shall precede the application of a TASER in order to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

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(b) Provide other officers and individuals with warning that a TASER may be deployed.

If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to display the electrical arc (provided there is not a cartridge loaded into the TASER) or laser in a further attempt to gain compliance prior to the application of the TASER. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

8309.4 USE OF THE TASER

As with any law enforcement equipment, the TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely approach the subject within the operational range of the TASER. Although the TASER rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use the TASER when circumstances known to the individual officer at the time indicate that the application of the TASER is reasonable to subdue or control:

(a) A violent or physically resisting subject, or

(b) A potentially violent or physically resisting subject if:

1. The subject has verbally or physically demonstrated an intention to resist; and
2. The officer has given the subject a verbal warning of the intended use of the TASER followed by a reasonable opportunity to voluntarily comply; and
3. Other available options reasonably appear ineffective or would present a greater danger to the officer or subject.

(c) Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the TASER to any of the following individuals:

1. Pregnant females.
2. Elderly individuals or obvious juveniles.
3. Individuals who are handcuffed or otherwise restrained.
4. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material.
5. Passively resisting subjects.
6. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles).

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(d) Persons suspected of being under the influence of drugs, alcohol or who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain (sometimes called excited delirium) or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

(e) Because the application of the TASER in the Drive Stun mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and the controlling effects may be limited.

The TASER shall not be used to torture, psychologically torment, elicit statements or inflict undue pain on any individual.

8309.4.1 MULTIPLE APPLICATIONS OF THE DEVICE

If, after a single application of the TASER, an officer is still unable to gain compliance from an individual and circumstances allow, the officer should consider whether or not the probes or darts are making proper contact, or if the use of the TASER is limiting the ability of the individual to comply, or if other options or tactics may be more appropriate. This however, shall not preclude any officer from multiple, reasonable applications of the TASER on an individual.

8309.4.2 REPORT OF USE

All TASER discharges shall be documented in the related arrest/crime report and on the TASER report form. Accidental discharges of a TASER cartridge will also be documented on the TASER report form. Any report documenting the discharge of a TASER cartridge will include the cartridge's serial number and an explanation of the circumstances surrounding the discharge.

The onboard TASER memory will be downloaded through the dataport, and saved with the related arrest/crime report.

8309.4.3 TASER CAM™

Some Fulton El Camino Park Police TASERS™ may be equipped with TASER Cam™ which is an audio/video recording device integrated into the power supply. The TASER Cam is activated any time the safety is in the off position. The safety should not be in the off position unless the officer intends the use the device and the guidelines established in sections 8309.3 and 8309.4 are met. Any time the TASER Cam is activated, the video and audio data should be downloaded in accordance with department evidence procedures and referenced in any related report(s). All video and audio not booked as evidence will be kept for a minimum of one year at which time will be erased or destroyed.

8309.5 MEDICAL TREATMENT

Absent extenuating circumstances or unavailability, only qualified medical personnel, including certified paramedics, should remove TASER darts from a person's body. Used TASER darts shall be considered a sharp biohazard, similar to a used hypodermic needle.

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Universal precautions should be taken accordingly.

All persons who have been struck by TASER darts or who have been subjected to the electric discharge of the device shall be medically cleared prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER darts are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
- (e) The person requests medical treatment.

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

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included if possible.

The transporting officer shall inform any person receiving custody or any person placed in a position of providing care that the individual has been subjected to the application of the TASER.

8309.6 TRAINING

In addition to the initial department approved training required to carry and use a TASER, any personnel who have not carried a TASER as a part of their assignment for a period of six months or more shall be recertified by a department approved TASER instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Manager.

Officer Involved Shooting

8310.1 PURPOSE AND SCOPE

To establish policy and procedures for the investigation of an incident in which a person is injured as the result of a police shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

8310.2 INVESTIGATION RESPONSIBILITY

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This department conforms to the Officer Involved Shooting Protocol for investigating Officer involved shootings.

8310.3 TYPES OF INVESTIGATIONS

Officer involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief or a Division Commander
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy

8310.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer involved shootings:

8310.4.1 FULTON EL CAMINO PARK POLICE DEPARTMENT OFFICER

The investigation of the officer involved shooting will be conducted by the primary law enforcement agency and District Attorney's Office having jurisdiction of the location of the incident.

8310.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting.

8310.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b)
 - 1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer and notify the Deputy Chief and/or Chief of the shooting.
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the

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scene and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.

(e) Provide all available information to the SSD Shift Supervisor and SSD Communications Center. If feasible, sensitive information should be communicated over secure networks.

(f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.

(g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.

1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.

2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

8310.5.2 SHIFT SUPERVISOR DUTIES

Upon learning of an officer-involved shooting, the Shift Supervisor, or a Supervisor from the primary law enforcement agency having jurisdiction, shall be responsible for coordinating all aspects of the incident until investigators assume control.

8310.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Supervisor
- District Attorney OIS rollout team
- Internal Affairs Investigator
- Psychological/Peer support personnel (Chaplains)
- Coroner (if necessary)

All outside inquiries about the incident shall be directed to the supervisor.

8310.5.4 MEDIA RELATIONS

A single press release may be prepared with input and concurrence from the supervisor and agency representatives responsible for each phase of the investigation. This release will be available to the Chief, Deputy Chief and Public Information Officer in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief or a Unit Commander.

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Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

8310.5.5 INVOLVED OFFICERS

Once involved officer(s) have arrived at the station, the Supervisor should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

(a) Any request for legal representation will be accommodated.

(b) While discussions with licensed attorneys will be considered privileged as attorney client communications, no involved officers shall be permitted to meet collectively or in a group with an attorney prior to providing a formal interview or report.

(c) Discussions with departmental representatives (e.g., employee association) will be privileged only as to the discussion of noncriminal information however, no involved [officers/deputies] shall be permitted to meet collectively or in a group with a representative or attorney prior to providing a formal interview or report (Government Code § 3303(i)).

(d) A psychotherapist shall be provided by the Department to each involved officer, or any officer upon request.

1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.

2. If an interview or session with a licensed psychotherapist takes place prior to the involved officer providing a formal interview or report, involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such and peer counselors are cautioned not to discuss the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the officer's physical and emotional needs (Government Code § 3303(d)).

Each involved officer shall be given reasonable paid administrative leave following an officer involved shooting and it shall be the responsibility of the Supervisor to make schedule adjustments to accommodate such leave.

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8310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

8310.6.1 DETECTIVE PERSONNEL

Once notified of an officer involved shooting, it shall be the responsibility of the supervisor to notify appropriate supervisory and detective personnel from the primary area law enforcement agency. Detectives may be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Unit Commander.

8310.6.2 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize the District Attorney's Office to conduct an independent criminal investigation into the circumstances of any officer involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to partner with investigators from the District Attorney's Office so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Internal Affairs investigator personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

8310.6.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

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While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the officer involved shooting.

8310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Internal Affairs investigator and will be considered a confidential peace officer personnel file.

(a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g))

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)) However, in order to maintain the integrity of each individual [officer's/deputy's] statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview) (Government Code § 3303(g)).

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4. The officer shall be informed of all constitutional *Miranda* rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Lybarger* or *Garrity* admonishment).
5. The administrative interview shall be considered part of the officer's confidential personnel file.
6. The Internal Affairs investigator shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of deadly force policy.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

Firearms

8312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

8312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Armorer/Range Master during a regularly scheduled range date. Except in an emergency, or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

The following weapons are approved for use by officers of this department:

8312.2.1 DUTY WEAPONS

The authorized Department issued handgun is the Glock Model 21SF, 22 & 23 handguns. Effective August 2010 the Department will no longer issue any handgun in .45 caliber. Officers choosing to use their personally owned .45 caliber handgun, will be required to provide Department approved ammunition for both training/qualifications and duty use. The Department provides a Remington 870 shotgun for each patrol vehicle, and a limited number of AR15 rifles for use on duty by qualified officers. Officers desiring to carry weapons not listed below shall submit a written request for review and approval to the Range Master and the Chief.

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The following weapons are approved for on duty use:

MAKE	MODEL	CALIBER
Sig Sauer	"P" Series models	9mm, .40, .45
Glock	17, 19, 22, 23	9mm, .40
Glock	21, 21SF	.45
Remington	870, 1187	12 Gauge
Mossberg	500, 590	12 Gauge
AR15 Platform		.223, 5.56mm

Personnel choosing not to carry the department issued pistol may carry any 9mm, .40 S&W, or .45 ACP caliber pistol approved by the Chief. Authorized manufacturers include: Beretta, Glock, Heckler & Koch, Sig Sauer, Smith & Wesson, Colt, Kimber, Springfield Armory, Para Ordinance, STI, Walther, and others as approved by the Rangemaster.

1. The pistol may be a single-action or double-action/safe-action type, semi-automatic, capable of carrying at least seven (7) rounds in its magazine. Personnel may carry a single-action type pistol after successfully completing a departmental single-action pistol training course or equivalent training and successfully completing a duty qualification course.
 - (a) Authorized finishes include blue, black, parkerized, nickel or stainless steel.

8312.2.2 AUTHORIZED SECONDARY AND OFF-DUTY WEAPONS

The carrying of firearms by sworn officers while off duty is permitted by the Chief, but may be rescinded should circumstances dictate (e.g., administrative leave, etc).

Sworn officers desiring to carry a secondary and/or off duty weapon are subject to the following restrictions:

- (a) The weapon shall be of good quality and workmanship (e.g., Glock, Colt, Smith & Wesson, Browning, SigSauer, etc.)
- (b) Only one secondary weapon may be carried at a time
- (c) The purchase of the weapon shall be the responsibility of the officer
- (d) The weapon shall be carried in a Department approved holster/manner, out of sight

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at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control

(e) The weapon shall be subject to inspection by the Armorer/Range Master whenever deemed necessary.

(f) Ammunition shall be the same as Department issue for on duty and training/qualification.

(g) Personnel shall qualify with the secondary/off-duty weapon under range supervision.

Officers must demonstrate their proficiency, safe handling and serviceability of the weapon.

(h) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a secondary weapon to the Armorer/Range Master

(i) When off duty and carrying their weapon, officers shall carry their Department identification and badge at all times.

8312.2.3 AMMUNITION

Officers shall carry only department approved ammunition. Officers shall be issued duty ammunition in the specified quantity for all Department issued firearms. Officers carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining duty ammunition in accordance with the above at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Armorer/Range Master when needed in accordance with established policy.

Ammunition will be issued as follows;

HANDGUNS:

(50) cartridges for use in the (3) magazines issued with the handgun.

RIFLES:

(90) cartridges for use in the (3) magazines issued with the rifle.

SHOTGUNS:

The department-issued shotgun is a Remington Model 870 pump action 12-gauge shotgun. Shotguns, when carried in police vehicles, must be secured in locking gun racks. The shotgun shall be carried in the "cruiser-ready" configuration (magazine tube loaded to capacity with 12-gauge, double-ought (00) buckshot, hammer forward on an empty chamber, and safety on). Additional rounds of double-ought buckshot shall be carried in the side saddle ammunition carrier attached to the weapon, when available. Use of the police shotgun in enforcement situations shall be guided by officer discretion when warranted by the seriousness and hazards of the situation confronting the officer/revenue protection guard. Shotguns will be stored in the trunk vault (if vehicle is equipped) or removed from vehicles whenever the vehicle will not be driven on the on-coming shift.

8312.2.4 ALCOHOL AND DRUGS

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic

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beverage or taken any drug that would tend to adversely affect the officer's senses or judgment.

8312.2.5 LASER SIGHTS

Laser sights shall not be used on any firearm carried on duty to prevent confusion with the deployment of Tasers, which are equipped with a RED laser.

The Chief may authorize the use of laser sights under special conditions and circumstances if necessary to accomplish a specific goal or mission.

Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.

(a) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

8312.2.6 WEAPON MOUNTED LIGHTS

Personnel may utilize weapon-mounted lights on their duty and off-duty firearms. Weapon-mounted lights are intended to be used for searching, threat assessment, and target acquisition of potentially dangerous persons. Weapon-mounted lights shall not be used as ordinary flashlights for routine lighting purposes. Authorized brands include Blackhawk, Surefire, Streamlight, and any others approved by the Rangemaster.

Weapon-mounted lights are subject to the following requirements:

- (a) Personnel must demonstrate proficiency with the weapon-mounted light prior to carrying it in an on-duty capacity.
- (b) The weapon shall be carried with the light affixed to it. This will require a holster designed to accommodate the weapon and light combination.
- (c) Personnel equipped with a weapon-mounted light shall also have a handheld light readily available to them at all times while on-duty.

8312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

8312.3.1 SAFETY CONSIDERATIONS

(a) Officers shall not unnecessarily display or handle any firearm.

(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Armorer/Range Master. Officers shall not dry fire or practice quick draws except under Armorer/Range Master supervision.

(c) Any member who discharges his/her weapon accidentally or intentionally, on or off duty, except during training or recreational use, shall immediately contact his/her supervisor and make a verbal report as soon as circumstances permit and, if the

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occurrence was on duty, shall file a written report with their Unit Commander prior to the end of shift. If off duty, as .

(d) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(e) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle or buildings.

(f) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the jail section with any firearm.

(g) Officers shall not use any automatic weapon, heavy caliber rifles (7.62 etc) , gas or other types of chemical weapon except with approval of a supervisor.

(h) Any weapon authorized by the department to be carried on or off duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the department or Armorer/Range Master for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Armorer/Range Master, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a department replacement weapon will be issued to the officer until the duty weapon is again rendered serviceable. If the weapon is the officer's personally owned weapon he/she shall refrain from using the weapon until it has been repaired at the officer's expense. Once repaired, the weapon shall be submitted to the department Armorer/Range Master for inspection before the weapon may again be carried on or off-duty.

8312.3.2 STORAGE OF FIREARMS

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults. Officers shall ensure that department issued firearms remain under their direct control and shall not be loaned to any other person. Officers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 25100.

8312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify during each scheduled range date with their assigned duty weapon, and any other weapons used on or off duty, on a Department approved range and course of fire. The Armorer/Range Master shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Training Manager. In addition to regular qualification schedules, twice annually, the Armorer/Range Master shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

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8312.4.1 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury/illness that officer shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period.

Officers who fail to attend and/or qualify on two or more consecutive range dates, or otherwise establish a pattern of failure to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Officers who fail to qualify on their first shooting attempt will be subject to the following requirements:

- (a) Officers who fail to initially qualify will be given remediation shoot opportunities until such time as they can qualify or the Range Master suspends the qualification for the day
- (b) No range credit will be given for the following
 1. Unauthorized range makeup
 2. Failure to qualify

8312.5 ARMORER/RANGE MASTER DUTIES

The range will be under the exclusive control of the Range Master. All members attending will follow the directions of the Range Master and the Range Master shall have the authority of a supervisor. Failure to do so and/or behavior deemed by the Range Master to pose a threat to the safety of any person on the range, may result in dismissal from the range and subsequent disciplinary action up to and including termination. Dismissal from the range will result in a non-qualification.

The Range Master will maintain a roster of all members attending the range and will submit the roster to the Chief after each range date. Failure of any officer to sign in and out with the Range Master may result in non-qualification.

The Armorer and/or Range Master has the responsibility of making periodic inspection, at least once a year, of all duty and off duty weapons carried by officers of this department to verify proper operation. The Armorer/Range Master has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Armorer/Range Master.

8312.6 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

8312.6.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Armorer/Range Master shall be the only person authorized to repair or modify any department owned weapon. All repairs and/or modifications of department issued weapons not performed by the Armorer/Range Master must be approved in advance

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by the Armorer/Range Master and accomplished by a department approved gunsmith. Modifications, of any type, to Department issued firearms/weapons is prohibited. Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be approved by the Armorer/Range Master before use on duty.

8312.7 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Officers must carry their Department identification card and California driver's license. Additionally, officer(s) must present their Identification to airline officials when requested.

(c) All required notifications must be transmitted in accordance with TSA regulations.

(d) An official letter signed by the Chief authorizing armed travel must accompany the officer(s). The letter must outline the officer's necessity to fly armed, must detail his/her itinerary, and should include that the officer(s) has completed the mandatory TSA training for law enforcement officer(s) flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.

(g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. Officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carryon luggage and may not be stored in an overhead compartment.

(h) Officers should not surrender their firearm but try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

(i) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

8312.8 CARRYING FIREARMS OUT OF STATE

Qualified active officers and qualified retired officers (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 United States Code 926B and C):

(a) The officer shall carry his/her Department identification card whenever carrying such weapon.

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(b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.

(c) The officer is not the subject of any current disciplinary action.

(d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(e) The officer will remain subject to this and all other Department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 United States Code 926B and C.

Vehicle Pursuit Policy

8314.1 PURPOSE AND SCOPE

Pursuits of suspected or known violators of the law expose innocent citizens, law enforcement officers and fleeing violators to serious injury or death. The primary purpose of this policy is to provide officers guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce and minimize the potential for pursuit related accidents. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

8314.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning

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suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

8314.2 OFFICER RESPONSIBILITIES

It shall be the policy of this department that a motor vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

8314.2.1 WHEN TO INITIATE A PURSUIT

FEPD personnel will only engage in a vehicle pursuit when the offender being pursued is believed to have committed a violent felony. The following factors must be considered while making the decision to initiate, continue, or terminate a pursuit. These factors and conditions should be continuously evaluated considering the totality of circumstances by the primary officer, monitoring supervisor and/or the watch commander.

- Seriousness of the known or reasonably suspected original crime or circumstance and its relationship to community safety
- The quality and quantity of information leading to the reasonable suspicion to detain or the probable cause to arrest that justifies the pursuit
- The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others
- The danger posed to the community and/or victim by the fleeing suspect should he or she be allowed to remain at large
- The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time
- The volume of vehicular and pedestrian traffic in the area of the pursuit
- Safety of the public in the area of the pursuit (e.g., schools, parks, business districts)
- The speeds involved in the pursuit and the extent to which those speeds exceed the flow of traffic (i.e., pursuit speeds have become unreasonably unsafe for the surrounding conditions)
- Time of day (e.g., relative to number of vehicles and pedestrians out, nighttime visibility)
- Weather conditions such as, rain or fog that would hinder visibility
- Road conditions (e.g., slick pavement)
- Pursuing officer(s) familiarity with the area of the pursuit
- The quality of radio communications between the pursuing units and the dispatcher/supervisor
- The driving capabilities of the pursuing officers under the conditions of the pursuit. Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit
- The availability of assisting units, including air support
- Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages)

8314.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

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The factors listed in Policy Manual § 314.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in Policy Manual § 314.2.1 the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance
- (b) Pursued vehicle's location is no longer definitely known
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive
- (d) Extended pursuits of violators not involving violence or risk of serious harm (independent of the pursuit) are discouraged
- (e) Hazards to uninvolved bystanders or motorists
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Directed by a FEPD or SSD supervisor

8314.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. An officer or supervisor

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may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

- Every officer participating in a vehicle pursuit shall adhere to the policies governing emergency vehicle operations.
- The number of pursuit vehicles driving Code-3 should be limited to three units (primary unit and two secondary units). Additionally, the monitoring supervisor and the watch commander may drive Code-3 at their discretion. If due to the seriousness of the crime, number of suspects, or other circumstances, the monitoring supervisor or watch commander feels additional units are necessary, he/she may direct additional units to drive Code-3. At the direction of the dispatcher or monitoring supervisor, additional units not involved directly in the pursuit may be directed to the termination point, driving Code-2, if additional assistance at the scene is needed.
- Whenever possible, marked units should occupy the primary and secondary positions in a pursuit. When an unmarked vehicle is involved in a pursuit, it should be withdrawn when marked units are in position to take over.
- Other vehicles not outfitted with a siren and minimally a red forward light, shall not initiate or participate in a pursuit. The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency equipment.
- When involved in a pursuit, officers should normally have emergency lights and siren activated at all times, unless circumstances (such as having to pass a vehicle on the right) require them to be briefly de-activated for safety. Emergency lights and siren shall be activated at all times when approaching and passing through an intersection or when driving against traffic controls. If a pursuing unit's emergency lights or siren fails during a pursuit, or a unit's radio contact fails, that officer shall immediately withdraw from the pursuit.
- No officer shall attempt to pass other police units involved in a pursuit unless the passing officer is directed to do so by the primary unit or monitoring supervisor.
- Officers with prisoners, victims, witnesses, or other civilian passengers in their vehicles shall not become involved in a pursuit.
- The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Firearms shall not
- be discharged at or from a moving vehicle unless the circumstances dictate that such use reasonably appears necessary to protect life.

8314.3.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

8314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren shall not initiate or join in any pursuit. Officer(s) in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those officers should request assistance from marked units and maintain only that surveillance of the suspect vehicle as is possible without requiring the use of red lights and siren. The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency

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equipment.

8314.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

Notify dispatch that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary officer should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

8314.3.4 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise

8314.3.5 PURSUIT DRIVING TACTICS

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and

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avoid hazards or react safely to maneuvers by the fleeing vehicle;

(b) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an air unit.
2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Requesting other units to observe exits available to the suspect(s).

(c) Notifying the California Highway Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

(d) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.

8314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a Nonemergency manner, observing the rules of the road. The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

8314.3.7 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

8314.3.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance from the primary law enforcement agency should be requested. The primary and secondary ground units should consider the availability of aircraft assistance when determining whether to continue the pursuit.

8314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department. The field supervisor of the officer initiating the pursuit, when on duty, will be responsible for

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the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Control and manage FEPD units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes. In situations where a field supervisor is unavailable at the time of the pursuit, the officer will follow supervisory direction from an SSD field supervisor. As soon as practical at the conclusion of any pursuit, the officer shall immediately notify of his/her supervisor by phone.

8314.4.1 SHIFT SUPERVISOR RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Shift Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Supervisor has the final responsibility for the coordination, control and termination of a motor vehicle pursuit and shall be in overall command.

The Shift Supervisor shall review all pertinent reports for content and forward to the Chief.

8314.5 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

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8314.5.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Fulton El Camino Park Police is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation. The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

8314.5.2 PURSUITS EXTENDING INTO THIS JURISDICTION

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:

- (a) Ability to maintain the pursuit
- (b) Circumstances serious enough to continue the pursuit
- (c) Adequate staffing to continue the pursuit
- (d) The public's safety within this jurisdiction
- (e) Safety of the pursuing officers

For the purposes of this policy Fulton- El Camino jurisdiction is defined as the park properties and trails that are owned and operated by the Fulton- El Camino Recreation and Park District or by an of the districts this department provides contract police services to. As soon as practical, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate when the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

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8314.6 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the vehicle being pursued.

8314.6.1 PURSUIT INTERVENTION PROHIBITED

Use of pursuit intervention techniques are prohibited. No member of the Fulton El Camino Park Police shall employ techniques described in section 8314.6 of this manual.

8314.6.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

8314.6.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

8314.7 REPORTING REQUIREMENTS

The following reports should be completed to comply with appropriate local and state regulations:

(a) The primary officer shall complete appropriate crime/arrest reports.

(b) Pursuant to Vehicle Code § 14602.1(b), the primary officer shall complete form CHP 187A, Allied Agency Vehicle Pursuit Report, to be reviewed by the Supervisor and filed with the CHP either electronically or on paper not later than 30 days after the pursuit. This pursuit report shall minimally contain the following information:

1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.
2. The violation(s) that caused the pursuit to be initiated.
3. The identity of the officers involved in the pursuit.

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4. The means or methods used to stop the suspect being pursued.
5. The charges filed with the court by the district attorney.
6. The conditions of the pursuit, including, but not limited to, all of the following:
 - (a) Duration
 - (b) Mileage
 - (c) Number of officers involved
 - (d) Maximum number of units involved
 - (e) Time of day
 - (f) Weather conditions
 - (g) Maximum speeds
7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
8. Whether the pursuit involved multiple agencies.
9. How the pursuit was terminated.

(c) After first obtaining available information, a field supervisor shall promptly complete a Supervisor's Log, briefly summarizing the pursuit to his/her department manager.

This memo should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and officers
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene
10. A preliminary determination that the pursuit appears to be in compliance with this policy OR additional review and/or follow-up is warranted.

8314.7.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary POST training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. (Vehicle Code § 17004.7(d)).

8314.7.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

8314.8 APPLICATION OF MOTOR VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code §

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17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

Officer Response to Calls

8316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and nonemergency situations whether dispatched or self-initiated.

8316.2 RESPONSE TO CALLS

Officers dispatched "Code3" shall consider the call an emergency response and proceed immediately. Officers responding Code 3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

Any call that is not dispatched as Code 3 is a routine call. Officers not authorized to respond Code 3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

8316.1.3 REQUIRED CIRCUMSTANCES FOR CODE-3 RESPONSE

Code-3 responses may only be used under the following circumstances:

- (a) When a situation involves the reasonable potential for serious injury or death to officers or other persons (e.g., in-progress robberies, aggravated assaults, medical emergencies).
- (b) When a Code-3 response would significantly enhance the likelihood of apprehending a felony suspect who has caused, is likely to cause, or has threatened to cause, serious injury or death.
- (c) When there is a public hazard that presents an imminent or immediate threat to public safety (e.g., fire, explosion, chem-bio incident).
- (d) When an officer requests Code-3 cover, voices that they are in a vehicle or foot pursuit, or broadcasts an "11-99."
- (e) When approved by a sergeant or command officer.

8316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify SSD Communications Center.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

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8316.3.1 NUMBER OF UNITS ASSIGNED

Normally, only two units should respond to an emergency call Code3 unless the Supervisor or the field supervisor authorizes an additional unit(s).

8316.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code3 response to any call is appropriate, the officer shall immediately notify SSD Communications Center. Generally, only one unit should respond Code3 to any situation. Should another officer believe a Code3 response is appropriate, SSD Communications Center shall be notified and the Supervisor or field supervisor will make a determination as to whether one or more officers driving Code3 is appropriate.

8316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify SSD Communications Center. An officer shall also discontinue the Code3 response when directed by a supervisor.

Upon receiving authorization or determining a Code3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

8316.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code3 response has been initiated, the Supervisor or the field supervisor shall verify the following:

- (a) The proper response has been initiated
 - (b) No more than those units reasonably necessary under the circumstances are involved in the response
 - (c) Affected outside jurisdictions are being notified as practical
- The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code3 response, the Supervisor or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions

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- The location of the responding units

8316.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code3 response and respond accordingly. In all cases, the officer shall notify the Supervisor, field supervisor, or SSD Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

8316.8 INITIATING/CONTINUING EMERGENCY RESPONSE

The first officer arriving on scene at an emergency should evaluate whether any other units need to initiate or continue a Code-3 response. The officer should broadcast this information via radio as soon as possible so that other units may respond appropriately.

When a Code-3 response is no longer required, and the unit(s) responding Code-3 become aware of this, those units are responsible for terminating their emergency response and advising the Communications Center of this.

Officers should not respond Code-3 with an arrestee or civilian in the vehicle

Search & Seizure

8322.1 PURPOSE AND SCOPE

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines that may assist an officer in evaluating search and seizure issues. Specific situations should be handled according to current training and an officer's familiarity with clearly established case law.

8322.2 POLICY

It is the policy of the Fulton-El Camino Park Police to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

8322.2.1 SEARCH PROTOCOL

- (a) Members of this department will conduct person searches with dignity and courtesy.
- (b) Members of this department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.
- (c) Members of this department should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.
- (d) When the person to be searched is of the opposite sex of the officer, an officer of the

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like sex should be summoned to the scene to conduct the search.

(e) A search may be undertaken of a member of the opposite sex when it is not practical to summon an officer of the like sex. In these instances the officers will adhere to the following guidelines:

1. A supervisor and/or one other officer should witness the search, if practical.
2. Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.

(f) The officer will explain to the person being searched the reason for the search and how the officer will conduct the search.

8322.2.2 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

8322.2.3 DETENTIONS

A detention occurs whenever a reasonable person would believe he/she is not free to leave or otherwise disregard the police and go about his/her business. (Hodari D. (1991) 499 U.S. 621, 627-628; Bostick (1991) 501 U.S. 429, 434; Souza (1994) 9 Cal.4th 224, 229; Daugherty (1996) 50 Cal.App.4th 275, 283.) Such belief may result from physical restraint, unequivocal verbal commands, or words or conduct by you that clearly relate to the investigation of specific criminal acts. (Brueckner (1990) 223 Cal.App.3d 1500, 1505.)

For a detention to be valid, you must have reasonable suspicion that: (1) criminal activity may be afoot and (2) the person you are about to detain is connected with that possible criminal activity. (Wardlow (2000) 528 U.S. 119; Ornelas (1996) 517 U.S. 690, 695-696; Sokolow (1989) 490 U.S. 1, 7-8; Bennett (1998) 17 Cal.4th 373, 386.) A detention can never be based solely on a hunch, rumor, intuition, instinct or curiosity. (Wardlow (2000) 528 U.S. 119, 123-124; Tony C. (1978) 21 Cal.3d 888; Raybourn (1990) 218 Cal.App.3d 308.) You must have specific facts justifying your suspicion and you must be able to articulate those facts.

A suspect has no right to resist a lawful detention. (Lloyd (1989) 216 Cal.App.3d 1425, 1429.) You may use whatever physical force necessary to make him/her stop. (Johnson (1991) 231 Cal.App.3d 1, 12-13; Gregory S. (1980) 112 Cal.App.3d 764, 778.)

Generally speaking, you should avoid using force and/or physical restraints, such as handcuffs or guns, during a detention. These indications of custody may cause a court to view the detention as an arrest.

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The use of force, handcuffs, etc., does not necessarily turn a detention into an arrest. The courts will look at the totality of the circumstances and evaluate the intrusiveness of the detention.

Be extremely careful in moving a subject during a detention. Moving a subject may turn a detention into an unlawful arrest. You may move a detainee a short distance for your protection (Courtney (1970) 11 Cal.App.3d 1185—crowd gathering), or to avoid embarrassment to the suspect (Rosenberg (5th Cir. 1972) 458 F.2d 1183—public place), but requiring the subject to accompany you to another location is only permitted under certain circumstances. These exceptions include: when there is probable cause to arrest, when the subject consents, when the victim cannot be moved, or if moving the subject is the best or only practical alternative (e.g., no other officers available). (Harris (1975) 15 Cal.3d 384; Rafael (1982) 132 Cal.App.3d 977; Gatch (1976) 56 Cal.App.3d 505.)

The time or the duration of a detention also needs to be considered. A detention is temporary and may last no longer than is necessary to resolve the circumstances that justified its initiation. There is no set time limit for a detention, the key is whether you took reasonable steps to confirm or deny your suspicions. (Sharpe (1985) 470 U.S. 675, 686-688.)

You are permitted to conduct a limited search of a detainee's outer clothing for weapons or objects that could be used as a weapon, only if you have specific facts indicating that the individual may pose a danger to you. (Terry (1968) 392 U.S. 1; Flippen (9th Cir. 1991) 924 F.2d 163, 166; Hill (1974) 12 Cal.3d 731.) "Standard procedure" isn't good enough. (Santos (1984) 154 Cal.App.3d 1178.) You must reasonably suspect that the person is armed or may be armed (Dickerson (1993) 508 U.S. 366, 373; Limon (1993) 17 Cal.App.4th 524, 532), although you do not need to be positive (\$109,179 (9th Cir. 2000) 228 F.3d 1080, 1086; Frank V. (1991) 233 Cal.App.3d 1232, 1240; Wright (1988) 206 Cal.App.3d 1107; Stephen L. (1984) 162 Cal.App.3d 257). Dealing with a suspected dangerous felon is by definition enough cause. Similarly, if you come across a container on the person being detained, you are entitled to seize and open it, as long as it is reasonable to believe that it is a weapon or contains a weapon. (Flippin (9th Cir. 1991) 924 F.2d 163, 166; Limon (1993) 17 Cal.App.4th 524, 535-536.)

If during a search for weapons, you discover an item of contraband which becomes immediately apparent to you, you may seize the item. You cannot conduct any additional feeling, grabbing or manipulating of the object in order to determine what it is. (Dickerson (1993) 508 U.S. 366.) This would be considered an illegal search.

8322.2.4 ARRESTS

An arrest occurs when you take a person into custody. This requires either (1) that you physically restrain or at least touch the person, or (2) that he/she submits to your authority. (Pen. Code, § 835; Hodari D. (1991) 499 U.S. 621, 626; Turner (1994) 8 Cal.4th 137, 180.) Incident to a lawful, custodial arrest you are entitled to search the person you arrested incident to arrest. (Robinson (1973) 414 U.S. 218, 235.) Cite and release offenses are not included here because a cite and release offense does not qualify as a custodial arrest, even where you have the power to make such arrest. (Knowles (1998) 525 U.S. 113, 114-115; Arturo D. (2002) 27 Cal.4th 60, 75, fn. 15.)

A lawful, custodial arrest allows a full body search of the suspect, including any open or closed containers, involving any offenses from murder to outstanding traffic warrants. A search will be valid as incident to arrest only if the search was and arrest were carried out contemporaneously (i.e., same location at approximately the same time). (Rawlings (1980) 448 U.S. 98; Lennies H. (2005) 126 Cal.App.4th 1232; Gonzales (1989) 216 Cal.App.3d 1185; Fay (1986) 184 Cal.App.3d 882.)

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You are also able to search, incident to arrest, the area within the immediate control of the suspect. (Robinson (1973) 414 U.S. 218, 235.) This generally means within arm's reach of the arrestee. (Chimel (1969) 395 U.S. 752.) You may also search any containers that are on his/her person or under his/her immediate control, such as a purse, fanny pack, or backpack. (Belton (1981) 453 U.S. 454; Dennis (1985) 172 Cal.App.3d 287; Rodriguez (9th Cir. 1989) 869 F.2d 479.)

322.2.5 SEARCHING FOR IDENTIFICATION

Normally, a search of a person being detained for identification is not permitted unless you have consent, probable cause to arrest, or other factors are present. For example, if a detainee admits to having identification on him/her but refuses to produce it, you may conduct a limited search for it (Calif. Peace Officers Legal Sourcebook, Search and Seizure-Persons, 2.14). Also, if a detainee verbally provided his/her name and states he/she has no identification, but you see what appears to be a wallet in a pocket, you may ask him/her to take it out and look through it while you observe. (Long (1987) 189 Cal.App.3d 77.) Additionally, if during a proper and legal search for weapons, you feel what appears to be a wallet, it would be proper to remove the wallet and look through it. (Loudermilk (1987) 195 Cal.App.3d 996.)

8322.3.1 RESIDENCE SEARCHES

Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers & solicitors) would reasonably be permitted to go.

Unless unusual circumstances would not otherwise prevent the use of the Department's Consent to Search form, officers should have the individual read the form, ensure he/she understands it, and provide them with a copy after he/she has signed it. If unusual circumstances prevent the use of the Consent to Search form, officers should describe such circumstances in related report(s).

While there is no requirement that an individual be told of their right to refuse consent, such a warning and the use of the Consent to Search form provide strong support for the validity of any consent.

8322.3.2 PLAIN VIEW SEARCHES

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location
- (b) There is probable cause to believe that the item is linked to criminal activity
- (c) The location of the item can be legally accessed

It is important to note that the so called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

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8322.3.3 EXIGENT CIRCUMSTANCES

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death
- (b) Serious damage to property
- (c) Imminent escape of a suspect
- (d) The destruction of evidence

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

8322.4 CONSENT

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. A search by consent is only valid if the following criteria are met:

- Voluntary (i.e., clear, specific, and unequivocal).
- Obtained from a person with authority to give the consent.
- Does not exceed the scope of the consent given.

Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied. A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire. Absent other legal justification, any related search should be discontinued at any point that consent is withdrawn.

Temporary Custody of Juveniles

8324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles by members of the Fulton El Camino Park Police.

8324.2 AUTHORITY TO DETAIN

Legal authority for taking custody of juvenile offenders is found in Welfare and Institutions Code § 625.

8324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (Welfare & Institutions Code § 625) .

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8324.3 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

(a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.

(b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:

1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.

2. If efforts to contact a parent, guardian or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official or lawyer may be present during the interview in lieu of a parent.

3. If contacted, the selected parent, other responsible adult or school official may be permitted to be present during any interview.

- (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.

- (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.

- (c) Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

8324.4 RELEASE OF INFORMATION CONCERNING JUVENILES

A copy of the current policy of the Juvenile Court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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8324.4.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the SSD Records Supervisor and the appropriate Detective Supervisors to ensure that personnel of those bureaus act within legal guidelines.

8324.5 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

8324.5.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either detained or in custody, and the injury or illness is life threatening where lost minutes may be the deciding factor, the officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility for medical evaluation. The Shift Supervisor shall be notified in each case and the facts set forth by the involved officer in the appropriate report.

In the event of a serious illness, injury or death of a juvenile, the following persons shall be notified as soon as possible

- (a) The parent, guardian, or person standing in loco parentis, of the juvenile
- (b) The field supervisor for the primary law enforcement agency

8324.5.2 CURFEW AND OTHER "CITE AND RELEASE" VIOLATIONS

Juveniles detained for violations resulting in a "cite and release" may be released in the field or brought to the station but shall only be released to their parent, legal guardian, or responsible adult. On occasion there will be cases where the responsible persons listed above are unavailable or unable to respond to the location of the contact to take custody. In these cases, officers of this Department shall transport the juvenile to the location of the responsible party. If responsible persons are unavailable, the officer shall take the juvenile to the Receiving Home or Juvenile Hall, whichever is appropriate given the circumstances at the time.

8324.5.3 PROTECTIVE CUSTODY

Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse. Before taking any minor into protective custody the officer should make reasonable attempts to contact the appropriate child welfare authorities to ascertain any applicable history or current information concerning the minor.

8324.6 INTOXICATED AND SUBSTANCE ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to detention of juveniles at the Fulton El Camino Park Police when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency (Title 15, California Code of Regulations § 1431). In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

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- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity
- Minor is known or suspected to have ingested any substance that could result in a medical emergency
- A juvenile who is intoxicated to the level of being unable to care for him or herself
- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

(a) A juvenile detained and brought to the Fulton El Camino Park Police who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:

1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.

(b) Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the Fulton El Camino Park Police, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audio monitoring is maintained in addition to conducting the in person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile.

1. The 15 minute checks of the juvenile shall be documented on the Juvenile Detention Log in the Supervisor's office.

(c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.

(d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.

(e) A medical clearance is required before the juvenile is transported to Juvenile Hall if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.

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8324.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES 324.7.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The Watch Commander shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as possible:

- (a) The Juvenile Court
- (b) The parent, guardian, or person standing in loco parentis, of the juvenile

8324.7.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the Watch Commander if he/she believes the juvenile may be a suicide risk. The Watch Commander will then arrange to contact a mental health team for evaluation, or to contact Juvenile Hall and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

8324.7.3 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile.

8324.7.4 DEATH OF A JUVENILE WHILE DETAINED

The District Attorney's Office and the Sheriff-Coroner's Office will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department. The Support Services Bureau Deputy Chief or his/her designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained by this department, the following shall apply:

- (a) The Chief of Police or his or her designee shall provide to the California Department of Corrections and Rehabilitation a copy of the report submitted to the Attorney General under Government Code § 12525. A copy of the report shall be submitted to the Department of Corrections and Rehabilitation within ten calendar days after the death.

Upon receipt of a report of death of a juvenile from the Chief of Police or his or her designee, the Department of Corrections and Rehabilitation may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of Article 4, Title 15 California Code of Regulations § 1341

- (b) Any inquiry made by the Department of Corrections and Rehabilitation shall be limited to the standards and requirements set forth in these regulations.

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(c) A medical and operational review of every in-custody death of a juvenile shall be conducted. The review team shall include the following:

1. Chief of Police or his or her designee
2. The health administrator
3. The responsible physician and other health care and supervision staff who are relevant to the incident

Child Abuse Reporting

8330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and procedures for reports of suspected child abuse and the taking of minors into protective custody.

8330.2 DEFINITIONS

For purposes of this section the following definitions are provided:

Child means a person under the age of 18 years.

Child Abuse means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual abuse or any act or omission proscribed by Penal Code § 273a (willful cruelty or unjustifiable punishment of a child) or Penal Code § 273d (unlawful corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care. Child abuse does not include a mutual affray between children. Child abuse does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Penal Code § 11165.6).

Child Protective Agency means a police or sheriff's department, a county probation department or a county welfare department. This section does not include school district police or security department.

8330.3 CHILD ABUSE REPORTING

Pursuant to Penal Code § 11165.9, this department is defined as a "child protective agency". All employees of this department are responsible for the proper reporting of child abuse. Any employee who encounters any child whom he or she reasonably suspects has been the victim of child abuse shall immediately take appropriate action and prepare a crime report pursuant to Penal Code § 11166.

8330.3.1 MANDATORY NOTIFICATION

When an officer of this department receives a report of, or observes an incident of child abuse, the officer shall immediately notify a SSD field supervisor, or a supervisor of the primary law enforcement agency. Any investigation will be the responsibility of that agency.

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8330.3.2 POLICE REPORTS

Officers responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall document the incident in a Incident/Information report. No suspected child abuse report is required if the incident is documented in a Incident/Information or Crime report.

Missing Person Reporting

8332.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. Penal Code §§ 14200 through 14213 and §§ 14250 and 14251, as well as 42 USC 5779(a), specify certain requirements relating to missing persons. SSD is the primary law enforcement agency and all reports prepared by the Fulton El Camino park Police are submitted to and processed by the SSD Records Bureau. SSD Records Bureau shall be responsible for appropriately disseminating all reports prepared by members of this department.

8332.1.1 DEFINITIONS (PENAL CODE § 14213)

Missing Person Any person whose whereabouts are unknown to the reporting party including, but not limited to, a child taken, detained, concealed, enticed away or retained by a parent in violation of Penal Code § 277. Missing person also includes any child who is missing voluntarily, involuntarily or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

At-Risk Includes, but is not limited to, evidence or indications of any of the following:

- The person missing is the victim of a crime or foul play
- The person missing is in need of medical attention
- The person missing has no pattern of running away or disappearing
- The person missing may be the victim of a parental abduction
- The person missing is mentally impaired
- The person missing is a juvenile under the age of 12 years old

Child While California considers a child to be a person under eighteen years of age, for purposes of this section federal law considers any person under the age of twenty one years to be a child.

8332.2 REPORT ACCEPTANCE

Department personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property (Penal Code § 14205(a)). Reports shall be taken on missing persons regardless of jurisdiction.

Department personnel should handle the initial missing person report. Department personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway, and an initial search should be conducted. If possible, searches should be coordinated with SSD or the primary law enforcement agency. Department personnel shall see to it that MP information is inputted into MUPPS and NCIC within two hours of the initial report.

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In all cases involving a person at-risk or a child under 12 years of age the handling officer shall ensure that the Shift Supervisor is notified. A SSD or primary law enforcement agency field supervisor shall be notified and control of the call relinquished to them immediately.

8332.3 REPORT HANDLING

Completed missing person reports shall be turned in by the end of shift. All case follow up shall be the responsibility of SSD or the primary law enforcement agency.

8332.4 MISSING PERSONS LOCATED

When missing persons are located a SSD "Clear Up" report will be completed and submitted no later than the end of the officer's shift. In the case of juveniles, the officer shall notify the parent or legal guardian immediately and if necessary, transport the juvenile to their residence.

AMBER Alerts

8334.1 PURPOSE AND SCOPE

AMBER Alert, is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how they can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media, and law enforcement.

8334.1.1 DEFINITIONS

Abduction is any child under the age of 18years, who has been unwillingly removed from their environment without permission from the child's legal guardian or a designated legal representative.

8334.2 CHILD ABDUCTION CRITERIA

The following conditions must be met before activating an AMBER ALERT (Government Code 8594(a)):

- Abduction has been determined to have occurred.
- The victim is 17 years of age or younger, or has a proven mental or physical disability.
- The victim is in imminent danger of serious injury or death.
- There is information available that, if provided to the public, could assist in the child's safe recovery.

8334.3 ALERT RESPONSIBILITY

The employee receiving the abduction report shall notify his/her Supervisor and an SSD or primary law enforcement agency Field Supervisor as soon as practical. The SSD or primary law enforcement agency Field Supervisor will then assume control of the incident in it's entirety. Assistance by members of this department may be rendered if requested by a Supervisor from the primary agency.

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Hate Crimes

8338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

8338.2 DEFINITIONS

Hate Crimes Penal Code § 422.55(a) defines a hate crime as either a violation of Penal Code § 422.6 or a criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics

8338.3 CRIMINAL STATUTES

Penal Code § 422 Prohibits verbal, written or electronically transmitted threats to commit great bodily injury or death to another or his/her immediate family

Penal Code § 422.6 (a) prohibits the use of force or threats of force to willfully injure, intimidate, interfere with, oppress, or threaten any person in the free exercise or enjoyment of rights and privileges secured by the Constitution or law because of the person's real or perceived characteristics listed in Penal Code § 422.55(a). Speech alone does not constitute a violation of this section except when the speech itself threatened violence and the defendant had the apparent ability to carry out the threat

Penal Code § 422.6(b) Prohibits knowingly defacing, damaging or destroying the real or personal property of any person for any of the purposes set forth in Penal Code § 422.6(a)

Penal Code § 422.7 Provides for other criminal offenses involving threats, violence or property damage in excess of \$400 to become felonies if committed for any of the purposes set forth in Penal Code 422.6

Penal Code § 422.76 Defines gender for purposes of various hate crime statutes to mean the victim's actual sex or the defendant's perception of the victim's sex and includes the defendant's perception of the victim's identity, appearance, or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with the victim's sex at birth

Penal Code § 422.9 Provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1

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Penal Code § 11411 Prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem or other physical impression (including Nazi swastika or burning cross) on another person's private property

Penal Code § 11412 Prohibits terrorizing threats of injury or property damage to interfere with the exercise of religious beliefs

Penal Code § 594.3 Prohibits vandalism to religious buildings or places of worship

Penal Code § 11413 Prohibits use of explosives or other destructive devices for terrorizing another at health facilities, places of religion, group facilities and other specified locations

8338.4 CIVIL STATUTES

Civil Code § 51.7 Except for statements made during otherwise lawful labor picketing, all persons in this state have the right to be free from any violence or intimidation by threat of violence against their person or property because of actual or perceived race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute.

Civil Code § 52 Provides for civil suit by individual, Attorney General, District Attorney or District Counsel for violation of Civil Code § 51.7, including damages, Temporary Restraining Order and injunctive relief.

Civil Code § 52.1 Provides for Temporary Restraining Order and injunctions for violations of individual and Constitutional rights enforceable as criminal conduct under Penal Code § 422.9.

8338.5 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, members of this department shall immediately notify an SSD or primary law enforcement agency Field Supervisor to determine an appropriate course of action. The report and investigation shall be the responsibility of SSD or the primary law enforcement agency.

Disciplinary Policy

8340.1 PURPOSE AND SCOPE

To provide employees of this department with guidelines for their conduct in order that they may participate in meeting the goals of this department in serving the community. This policy shall apply to all sworn and civilian members of this department (including part-time, volunteer and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

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8340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on duty or off duty, may be cause for disciplinary action.

An employee's off duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

8340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

8340.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within 24 hours of any change in residence address, home phone number, or marital status. (Note: mandatory meetings and training are considered work assignments)

8340.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of such action.
- (c) Using departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.

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(f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.

(g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency, related to an employee(s) conduct on or off duty.

(h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity.

(i) Disclosing or soliciting for financial or personal gain any information, photograph or video obtained or accessed as a result of employment with the Department (Penal Code § 146g).

(j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief.

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.

(l) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.

(m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

8340.3.3 DISCRIMINATION

(a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

8340.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties

(d) Unauthorized possession, use of any controlled substance or other illegal drug. Attempting to bring controlled substance or other illegal drug to any work site.

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8340.3.5 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments, leaving an assigned location, duty or post without Supervisor approval. Being out of authorized uniform or without required equipment.

(b) Rude or disrespectful behavior towards any member of the public, outside agency personnel or FEC staff.

(c) Unsatisfactory work performance, including but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning department duly constituted authority/supervisors to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

(h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

(i) The falsification of any work related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person(s).

(k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. Employees shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the employees.

(n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of departmental property or the property of another person.

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- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on or off duty.
- (p) Failure to disclose, or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.
- (r) Substantiated, active, continuing association with or membership in organized crime and/or criminal syndicates with knowledge thereof, except as specifically directed and authorized by the Department.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting on department premises or at any work site.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (x) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief.
- (y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.

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8340.3.6 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on the job or work related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating departmental safety standards or safe working practices.
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8340.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

8340.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

8340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

8340.4.1 WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a written request to the Chief within ten days of receipt of the written reprimand. The Chief will then review the appeal unless personally involved, in which case the appeal will be submitted to the General Manager.

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Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the Chief (or General Manager if applicable) within 30 days. The decision of the Chief (or General Manager if applicable) to sustain, modify or dismiss the written reprimand shall be considered final.

Note: In cases where the Chief is involved in the disciplinary process, appeals will be limited to hearing by the General Manager. The decision of the General Manager will be final.

8340.5 POST INVESTIGATION PROCEDURES

8340.5.1 CHIEF'S RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Chief shall review the entire investigative file, the employee's personnel file and any other relevant materials. The Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the General Manager, the Chief may return the entire investigation to the assigned investigator for further investigation or action

(b) When forwarding any written recommendation to the General Manager, the Chief shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference

The Chief may delegate these duties and responsibilities to the Deputy Chief as necessary.

8340.5.2 RESPONSIBILITIES OF THE CHIEF

Upon receipt of any written recommendation for disciplinary action, the Chief shall review the recommendation and all accompanying materials.

The Chief may modify any recommendations and/or may return the file to the Captain for further investigation or action.

Once the Chief is satisfied that no further investigation or action is required by staff, the Chief shall determine the amount of discipline, if any, to be imposed.

In the event disciplinary action is recommended, the Chief shall provide the employee with written (Skelly) notice of the following information:

(a) Specific charges set forth in separate counts, describing the conduct underlying each count

(b) A separate recommendation of proposed discipline for each charge

(c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief in recommending the proposed discipline

(d) An opportunity to respond orally or in writing to the Chief within five days of receiving the Skelly notice

1. Upon a showing of good cause by the employee, the Chief may grant a reasonable extension of time for the employee to respond.

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2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

8340.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This Skelly response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the Skelly response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief to consider.

(d) In the event that the Chief elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief on the limited issue(s) of information raised in any subsequent materials.

(f) Once the employee has completed his/her Skelly response or, if the employee has elected to waive any such response, the Chief shall consider all information received in regard to the recommended discipline. The Chief shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason(s) for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief has issued a written decision, the discipline shall become effective on that date.

8340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

8340.8 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief's imposition of discipline pursuant to district policy.

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The employee may appeal the Chief's decision in writing to the General Manager who may grant an appeal. In all cases after an appeal, the decision of the General manager shall be final and no further appeal will be granted.

8340.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

(a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file

(b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the Skelly procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline

(c) At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies

(d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment

(e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence

(f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file

(g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief, or General Manager if applicable.

Department Computer Use

8342.1 PURPOSE AND SCOPE

Department computer use shall conform with policies set forth in the Districts general policy manual.

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Report Preparation

8344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on the job training.

8344.1.1 REPORT PREPARATION

It is the primary responsibility of the assigned officer to ensure that reports are fully prepared or that supervisory approval has been obtained to delay the report before going off duty. The preparing officer must determine whether the report will be available in time for appropriate action to be taken, such as investigative leads or a suspect is in custody. Generally, "in custody" reports shall be completed and a copy submitted to the intake District Attorney within 24 hours of the custody time, if not before the officer ends his/her shift.

Officers shall generate reports on computers utilizing the Sacramento County Sheriff's "SHERAPP" (bearing FEPD heading) or "AFR" programs, and are subject to all requirements of this policy. Should handwritten reports/supplements be required in the field due to time constraints, they must be prepared legibly. If the report is not prepared legibly, the officer will be required to promptly correct the report.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not repress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.

8344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

8344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

(a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report

(b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded in the department's "Daily Event Summary". In cases where the "district" is the victim, a crime report shall be completed.

(c) In every case where any force is used against any person by police personnel

(d) All arrests

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8344.2.2 NONCRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved reports;

- (a) Reported missing persons (regardless of jurisdiction)
- (b) Found property and found evidence
- (c) All incidents involving the death of a human being (see Policy Manual § 360 Death Investigations)
- (d) All traffic collisions involving district vehicles (see Policy Manual § 502 Traffic Accident Reporting)

8344.2.3 SUICIDES

Cases of obvious suicide shall be investigated by SSD or the primary general law enforcement agency for the location in question. Employees of this department, if first on scene, shall immediately request emergency medical personnel and the appropriate law enforcement agency and take steps necessary to secure the scene until the investigating agency arrives.

8344.2.4 INJURY OR DAMAGE BY DISTRICT PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a District employee. Additionally, reports shall be taken involving damage to District property or District equipment.

8344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department, which has occurred on district property, shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

8344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING & END OF WATCH DUTIES

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

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Any reports, forms or logs, property/ evidence booking required as a normal part of completing a shift will be completed during the officer's shift, that day. Except for emergency "calls for service" in district facilities, officers shall spend a minimum of the last 30 minutes of their shift at the station to accomplish these tasks.

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All reports for "in custody" arrests shall be completed within 24 hours of the time of the arrest, however, a supervisor may direct that an officer complete the report prior to ending his/her shift.

To ensure officers do not work outside their scheduled shift hours in order to complete these tasks, except in "life threatening" circumstances, officers shall not engage in any self- initiated activity nor outside agency assistance during this period and shall end their shift at the scheduled time.

8344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some report forms lend themselves to block print or typing, as they are unavailable on computer. Currently, with the exception of some report forms, all reports will be completed by computer from the latest version of the SSD "SHERAPP" (with FEPD header) or "AFR" report writing systems.

8344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

8344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

8344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the SSD Records Bureau for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the SSD Records Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

News Media Relations

8346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

8346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief, however, in situations not warranting immediate notice to

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the Chief and in situations where the Chief has given prior approval, a supervisor and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy.

8346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from the Chief;

(b) In situations involving multiple law enforcement agencies, effort should be made by the Chief to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief.

8346.3 MEDIA ACCESS

Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations

1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFR should be routed through the Shift Supervisor. A TFR, either for a preplanned operation or an unplanned incident, should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate controlling tower. If the controlling tower is not known, the Federal Aviation Administration should be contacted (Federal Aviation Regulations § 91.137).

(c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief and the expressed consent of the person in custody.

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8346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

Court Appearance & Subpoenas

8348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

8348.1.1 DEFINITIONS

On-Call

When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby

When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status

When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance

Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

8348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

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8348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of the subpoena on the employee's supervisor or other authorized departmental agent (Government Code § 68097.1 and Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

8348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

8348.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena, his/her immediate supervisor or other designated district employee shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department supervisor.
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(b) A supervisor shall then promptly place a copy of the subpoena in the employee's box and send a follow up email to the employee, informing them of their court date. It will be the employee's responsibility to immediately confirm receipt of the subpoena with his/her supervisor.

8348.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the subpoena clerk or the Shift Supervisor of his/her absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

8348.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

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If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

8348.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for cases not related to their employment with the Fulton El Camino Park Police shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

8348.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

8348.3 COMPENSATION FOR COURT APPEARANCES

If the officer appeared during his/her off duty time, the officer's time will start from the time he/she arrived at work for court (either at the station to dress or at the courthouse directly). Regular time will be paid for the actual number of hours spent to attend court. There is no minimum court time allowance. The officers supervisor will alter the patrol schedule when to compensate for court time so that officers are not required to work additional hours for court.

8348.4 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

8348.4.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

8348.4.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks. Plainclothes officer may appear in their duty clothing if testifying while on-duty.

8348.5 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

8348.5.1 FIREARMS CARRY IN COURTHOUSE

Firearms may be carried by officers while in the courthouse on official business if permitted by court policy. Generally, there are no restrictions on officers appearing while on or off duty

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in full uniform. However, officers appearing out of uniform may face restrictions on firearm possession while in court facilities. It will be the officer's responsibility to check with court officials regarding firearms policy. Sheriff's bailiffs generally have a secure firearms storage locker in those instances firearms may not be permitted.

8348.6 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding;

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or

(c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

Outside Agency Assistance

8352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

8352.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies originate from both the agency dispatch centers and/or officers in the field. When an authorized employee of an outside agency requests the assistance of this department, available officers may respond and assist. Assistance shall be limited to requests for assistance in officer safety situations (ie. Code 3 cover, foot pursuits, high risk stops), and only when the officer providing assistance believes that sufficient or closer cover officers are unavailable. In such cases the officer shall notify a his/her supervisor as soon as practical. Officers of this department shall not perform any investigatory roles when assisting an outside agency.

Once sufficient units from the primary agency are closer and enroute and/or on scene, officers of this department shall immediately clear the call and notify the dispatcher that they have cleared the call via voice or MDT.

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Checking an officers welfare on a stop an FEC ranger or officer is passing does not fall under the scope of this policy. In such cases any assistance requested should be provided and the officer/ranger will clear the stop after the primary unit is stable.

Another agency's arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees for the outside agency, except the Sacramento County Sheriff's Department. Regarding transportation of SSD prisoners, officers of this department may officer assistance in transporting a prisoner if the officer is already transporting a prisoner of this agency to the same location.

Unless exceptional circumstances exist, assistance to outside agencies rendered by this department will generally be restricted to those geographical areas in which this department provides law enforcement services. In exceptional cases outside the service areas of this department, authorization must be obtained by a supervisor.

When such assistance is rendered, an event number will be created to report action taken by Fulton El Camino Park Police Personnel if the agency service is provided to is not the Sacramento County Sheriff's Department.

Handcuff Policy

8354.1 PURPOSE AND SCOPE

This procedure provides guidelines for handling situations involving handcuffing during detentions and arrests. This policy is also applicable to Flexcuffs, which will be considered synonymous with handcuffs for purposes of this policy.

8354.2 HANDCUFFING POLICY

Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of the Department. When deciding whether to handcuff an arrestee, officers should carefully balance officer safety concerns with factors including, but not limited to the following:

- The circumstances leading to the arrest.
- The attitude and behavior of the arrested person.
- The age, sex and health of the person.
- Whether the person has a hearing or speaking disability. In such cases consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

It is not the intent of the Department to dissuade officers from handcuffing all persons they believe warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, an officer should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person. Handcuffs should be removed as soon as the arrested person is safely confined within the jail.

All prisoners being transported for booking into the Jail or Juvenile Hall shall be handcuffed until completion of the booking process, or until otherwise directed by jail or juvenile hall staff.

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8354.2.1 IMPROPER USE OF HANDCUFFS

Handcuffing is never done to punish, to display authority, or as a show of force. Persons are handcuffed only to restrain their hands to ensure officer safety. When practical, handcuffs shall be double locked to prevent tightening which may cause undue discomfort or injury to the hands or wrists.

8354.2.2 JUVENILES

Juveniles 14years of age or older may be handcuffed when the act committed is of a felonious nature or when their acts have amounted to crimes where the officer has a reasonable suspicion the suspect may have a desire to escape, injure themselves, injure the officer, or destroy property.

Juveniles under 14years of age generally will not be handcuffed unless their acts have amounted to a dangerous felony or when they are of a state of mind which suggests a reasonable probability of their desire to escape, injure themselves, the officer, or to destroy property.

8354.2.3 HANDCUFFING OF DETAINEES

Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Unless arrested, the use of handcuffs on detainees should continue for only as long as is reasonably necessary to assure the safety of officers and others. Officers should continuously weigh the safety interests at hand against the intrusion upon the detainee when deciding to remove handcuffs from a detainee. When an individual is handcuffed and released without an arrest, a written report of the incident shall be made to document the details of the detention and need for use of handcuffs.

Major Incident Notification

8358.1 PURPOSE AND SCOPE

Incidents that are of significant nature and that fall into listed criteria require notification to certain members of this department. It is critical that staff members are informed of certain incidents in order to apprise their superiors and properly address inquiries from members of the press.

8358.2 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides or attempted homicides
- Rape
- Kidnapping
- Traffic accidents with fatalities
- Arson with major damage
- Officer-involved shooting - on or off duty (See Policy Manual § 8310.53 for special notifications)
- Hostage taking/barricaded suspect

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- Any assault with a deadly weapon or shooting of any FEPD employee, patron, or other person on district or contracted property
- Incident with injury to the victim or a particularly outrageous or vicious attack upon the victim
- Significant injury or death to employee - on or off duty
- Death of a FEPD official
- Civil disturbance
- Aircraft crash that impacts FEPD operations
- Arrest of department employee or FEPD official
- In-custody and/or law enforcement related deaths
- Serious injury or death of any person as the result of a motor-vehicle accident or police vehicle pursuit
- Unattended death of any person anywhere within FEPD or contracted jurisdictions

8358.3 OFFICER & SHIFT SUPERVISOR RESPONSIBILITY

The sergeant or officer-in-charge shall notify the on-duty Watch Commander and as soon as possible after the occurrence of any incident of media significance or incident requiring immediate investigative expertise on FEPD or contract property. The Watch Commander or command officer shall be given a complete briefing on the incident. If the sergeant or officer-in-charge is unable to make notification, he/she shall direct that the notification be made by Dispatch.

8358.3.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 8358.2, the Chief shall be notified along with the Shift Supervisor.

8358.3.2 PUBLIC INFORMATION OFFICER (PIO)

The district's Public Information Officer shall be notified by the Chief or his/her designee, after members of staff have been notified that it appears the media may have a significant interest in the incident.

Private Persons Arrests

8364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

8364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's

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arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

8364.3 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

8364.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence
- (b) When the person arrested has committed a felony, although not in his or her presence
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

8364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

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(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

(c) The person being arrested shall be advised that he/she is under arrest. This advisement may be done by the private person or the officer. If performed by the officer, the officer should explain to the private person and the subject that the private person is making the arrest. In either case, the subject should also be told of the offense(s) that he/she is being arrested for.

8364.4.1 WHEN A PRIVATE PERSON'S ARREST IS NOT REQUIRED

A private person's arrest is not required when an arrest is made under the following circumstances:

- (a) The offense is a felony or wobbler
- (b) The suspect is a juvenile
- (c) The arrest is for DUI with special circumstances (see 40300.5 V.C.)
- (d) Carrying a loaded firearm
- (e) Carrying a concealed firearm in an airport
- (f) Domestic violence
- (g) Violation of a domestic violence protective order
- (h) Assault on school property
- (i) Assault on a firefighter/EMT

8364.4.2 REQUIRED BOOKING

Adult suspects who are arrested for assault or battery on a District employee shall be booked [853.6(g) P.C.]. A command-level officer must approve any exceptions to this policy.

8364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury. In misdemeanor cases, the private person making the arrest shall also be asked to provide a written statement.

In addition to the Private Person's Arrest form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Mandatory School Employee Reporting

8372.1 PURPOSE AND SCOPE

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The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

8372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense enumerated in Health & Safety Code § 11590, 11364, in so far as that section relates to paragraph (12) of subdivision (d) of Health and Safety Code § 11054, or for any of the offenses enumerated in Penal Code § 290 or in subdivision 1 of Penal Code § 291 or Education Code § 44010, the Chief of Police or his/her designee is required to immediately report the arrest as follows:

8372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

Upon arrest for one of the above bureaus, the Chief of Police or his/her designee is mandated to immediately notify by telephone the Superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the Superintendent of schools in the county where the person is employed.

8372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above bureaus, the Chief of Police or his/her designee is mandated to immediately notify by telephone the Superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person.

8372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher.

Service Animal Policy

8382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Fulton El Camino Park Police recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of any animal that is individually trained to assist a person with a disability.

8382.2 SERVICE ANIMALS

The ADA defines a service animal as any guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. Service animals may be of any type or breed and need not be certified by any governmental agency or service group. Some service animals, such as guide dogs, may be readily identifiable but many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist individuals with disabilities.

The following examples are just some of the ways service animals may be used to provide

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assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people with disabilities who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with physical disabilities with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication or to wake the person.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items, find places or follow daily routines.

8382.3 EMPLOYEE RESPONSIBILITIES

Under the Americans with Disabilities Act, service animals assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Employees are expected to treat individuals with service animals with the same courtesy and respect that the Fulton El Camino Park Police affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations the employee may direct the partner/handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the partner/handler takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities and members of this department are expected to provide all services as are reasonably available to the individual with the disability.

If it is apparent or if the employee is aware the animal is a service animal, the handler/partner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. The person should not be asked questions about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Employees should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning

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service animals to the concerned parties. Businesses are required to permit service animals to accompany their partner/handler in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of ADA, officers should take no enforcement action beyond keeping the peace and individuals who believe they have been discriminated against as a result of their disability should be referred to the Civil Right Division of the U.S. Department of Justice.

8382.4 INQUIRIES AND COMPLAINTS

Under the Americans with Disabilities Act, people with disabilities have the right to be accompanied by service animals in all public areas and the Fulton El Camino Park Police considers interference with or denial of this right by any member of this department to be a serious violation of this policy. Complaints alleging violations of this policy against any department employee will be promptly investigated and should be referred to the Internal Affairs investigator.

Off Duty Law Enforcement Actions

8386.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of this agency with respect to taking law enforcement action while off-duty.

8386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

8386.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with state and federal regulations, and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officers who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

8386.4 DECISION TO INTERVENE

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There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

8386.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an sworn peace officer until acknowledged. Official identification should also be displayed.

8386.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

8386.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

8386.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

8386.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Chapter 4 Patrol Operations

Patrol Function

8400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing. For the purposes of this policy the jurisdiction of the Fulton- El Camino Park Police is deemed to be any location provided the enforcement actions taken have a clear nexus to the safety and or security of the park district. Investigatory actions may occur outside this jurisdiction if the primary offense occurred inside FEC jurisdiction and FEC remains the primary investigative agency for the offence requiring follow-up investigation. Employees conducting follow-up investigation activities shall notify the agency in which the follow-up activity is occurring. This section also applies to any contract district patrols.

8400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned areas, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergency calls within those jurisdictional areas of the Fulton El Camino District and contract agencies.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed in the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions
- (b) Crime prevention activities such as community presentations, etc.
- (c) Calls for service, both routine and emergency in nature
- (d) Investigation of both criminal and noncriminal acts
- (e) The apprehension of criminal offenders
- (f) Community Oriented Policing and Problem Solving activities such as individual citizen contacts of a positive nature
- (g) The sharing of information between the Patrol and other commands within the Department, as well as other outside governmental agencies
- (h) The application of resources to specific problems or situations, which may be improved or resolved by Community Oriented Policing and problem solving strategies

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(i) Traffic direction and control

(j) Perform security functions at special or Rental events at all District or contract facilities

(k) Check for and report any potential security and safety hazards to appropriate Personnel

8400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between officers of the Fulton El Camino Park Police.

8400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

8400.2.2 DAILY EVENT SUMMARY

Supervisors and officers logged on to the SSD CAD system will document all of their daily activity in the CAD system. This information is to include all stops, calls for service, park checks, and meal periods/breaks. Officers not logged onto CAD will voice their activity over radio or contact dispatch via phone to ensure that these activities are included in their unit histories.

Officers shall report to the station 30 minutes prior to the end of their scheduled shift to accomplish this and all other EOW duties.

8400.2.3 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the office and will be available for review by officers within the Department. These may include, but not be limited to, the patrol information clipboard, the wanted persons clipboard and the written directive clipboard. Clipboards or postings containing sensitive/confidential law enforcement information shall be maintained with an opaque cover to prevent viewing by unauthorized persons who may be nearby.

8400.3 FACILITIES SECURITY

As close as possible to sunset or park closing times, all pedestrian gates, vehicle gates, and facility doors will be checked and confirmed that they are locked. Any gates or doors found unsecured will be secured by the officer/ranger making the finding.

Should priority calls for service prevent the closing of the facilities at sunset or a park's posted closing time, officers/rangers will ensure that all facilities and gates are secured prior to the conclusion of the shift.

8400.4 UNIFORMS AND PATROL VEHICLES

Unless specifically authorized by a supervisor, officers/rangers are to perform patrol functions in full police uniform and in clearly marked patrol vehicles.

Racial/Bias Based Profiling

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8402.1 PURPOSE AND SCOPE

The Fulton El Camino Park Police strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality, religion, gender, sexual orientation, or disability.

8402.2 DEFINITION

Racial/Bias based profiling, for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped (Penal Code § 13519.4(e)).

8402.3 POLICY

The practice of racial/bias based profiling is illegal and will not be tolerated by this Department (Penal Code § 13519.4(f)).

(a) It is the responsibility of every member of this department to prevent, report, and respond appropriately to clear discriminatory or biased practices.

(b) Every member of this department engaging in a nonconsensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.

1. To the extent that written documentation would otherwise be completed (e.g., arrest report, F.I. card, etc.), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.

2. Nothing in this policy shall require any officer to prepare documentation of a contact that would not otherwise involve such reporting.

3. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

The Fulton El Camino Park Police will investigate all complaints of alleged racial/bias based profiling complaints against its members. Employees found to be in violation of this policy are subject to discipline in accordance with this department's disciplinary policy.

8402.4 TRAINING

(a) All sworn members of this department will be scheduled to attend POST approved training on the subject of racial profiling.

(b) Pending participation in such POST approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of our community.

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(c) Each member of this department undergoing initial POST approved training will thereafter be required to complete an approved refresher course every five years or sooner if deemed necessary in order to keep current with changing racial and cultural trends (Penal Code §13519.4(i)).

Crime and Disaster Scene Integrity

8406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

8406.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers however, shall also consider officer safety and public safety issues including rendering medical aid for any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene it shall be maintained until relieved by a supervisor.

8406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Ensure no suspects are still within the area.
- (b) Broadcast emergency information including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Secure the inner perimeter with crime scene tape.
- (e) Protect items of apparent evidentiary value.
- (f) Start chronological log noting critical times and personnel allowed access.

8406.2.2 MEDIA ACCESS

Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public;

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(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.

(c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief and the expressed consent of the person in custody.

The scene of a tactical operation is the same as a crime scene, except that the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media and all comments to the media shall be coordinated through the incident commander.

8406.2.3 EXECUTION OF HEALTH ORDERS

Any sworn member of this department may execute and enforce all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Health & Safety Code § 120155).

8406.2.4 TEMPORARY FLIGHT RESTRICTIONS

Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion or when the noise levels caused by loitering aircraft hamper incident operations, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the Supervisor.

8406.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

8406.3.1 CONSENT

While consent to search should be obtained from authorized individuals where possible, it is often more prudent to obtain a search warrant in the case of serious crimes or major investigations.

Ride-Along Policy

8410.1 PURPOSE AND SCOPE

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The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

8410.1.1 ELIGIBILITY

The Fulton El Camino Park Police Ride-Along Program is offered to residents, students and those employed within the District. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

8410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The Ride-Along times are during normal scheduled patrol shifts and days. Exceptions to this schedule may be made as approved by the Chief.

8410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, Ride-Along requests will be scheduled by the Supervisor. The participant will complete a Ride-Along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

If approved, the Supervisor will schedule a date, based on availability.

If the Ride-Along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

8410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian Ride-Alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, Chaplains, volunteers, district staff, police applicants, employee's family members and all others with approval of the Chief.

An effort will be made to ensure that no more than one citizen will participate in a Ride-Along during any given time period. Normally, no more than one Ride-Along will be allowed in the officer's vehicle at a given time.

8410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, trousers and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted.

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8410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty officers of another agency will not be permitted to Ride-Along with on duty officers without the expressed consent of the Chief. In the event that such a Ride-Along is permitted, the off-duty officer shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

8410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-Along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a Ride-Along with a law enforcement officer (provided that the Ride-Along is not an employee of the Fulton El Camino Park Police) (CLETS Policies, Practices and Procedures Manual § 1.6.1.D.3.).

8410.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a Ride-Along is present in the vehicle before going into service. Officers shall consider the safety of the Ride-Along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The Ride-Along may be continued or terminated at this time.

8410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the Ride-Along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The Ride-Along will follow the directions of the officer
- (b) The Ride-Along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
- (c) The Ride-Along may terminate the ride at any time and the officer may return the observer to their home or to the station if the Ride-Along interferes with the performance of the officer's duties
- (d) Ride-Along may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any Ride-Along to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

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(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

Hazardous Material Response

8412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

8412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

8412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting)
- (b) Notify Fire Department and the primary local law enforcement agency (SSD, SPD, CHP, etc)
- (c) Provide first-aid for injured parties if it can be done safely and without contamination
- (d) Begin evacuation of immediate area and surrounding areas dependent on substance.

Voluntary evacuation should be considered; however depending on the substance, mandatory evacuation may be necessary

8412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

8412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

Hostages & Barricaded Suspects

8414.1 PURPOSE AND SCOPE

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

8414.1.1 DEFINITIONS

Hostage

A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

Barricaded Suspect

A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

8414.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy Manual § 300, with particular regard directed toward the safety of hostages.

8414.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation shall consider the following:

- (a) Attempt to avoid confrontation and immediately notify the primary law enforcement

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agency (SSD, SPD, CHP, etc) and your supervisor

(b) Evacuation of bystanders and injured persons. Request an ambulance, rescue and fire equipment

(c) Establishment of inner and outer perimeters, directing incoming units to appropriate locations

(d) Establishment of central command post and appropriate chain of command until relieved by the designated Incident Commander(IC)

8414.4 REPORTING

Officers of this department will prepare and submit appropriate reports, to the primary law enforcement agency, documenting their role during the incident. A supervisor may require that officers complete and submit reports prior to ending their shift/assignment.

Response to Bomb Calls

8416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

8416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging

(b) Secure the perimeter for a minimum of three hundred feet allowing for an entrance for support personnel

(c) Contact your supervisor and notify the primary law enforcement agency (SSD, SPD, CHP, etc). Relay as much initial information as possible without touching the device, including:

1. The stated threat
2. How made
3. Exact comments
4. Time
5. Location
6. Full description (e.g., size, shape, markings) of the device in question

(d) Do not touch or transport the device to any other location

(e) Do not transmit on any equipment that produces radio frequency energy within 300 feet. Consideration should be given to the possibility for evacuation if a device is located within a building

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(f) Secure a perimeter around the suspected device

(g) Consideration for support personnel such as paramedics and Fire Department personnel

(h) A search of the area should be conducted for secondary devices or other objects foreign to the area

(i) Found explosive or military ordnance of any type should be handled only by the Bomb Squad

(j) When in doubt, call for assistance and advice from the SSD Bomb Squad

8416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the patrol officer. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, further damage by resulting fires or unstable structures, etc.

Whether the explosion was the result of an accident or a criminal act, the following concerns may confront you:

- Injury to victims
- First aid (primary Fire Department responsibility)
- Evacuation of victims (primary Fire Department responsibility)
- A secure perimeter around the scene

8416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practical if their assistance is needed:

(a) Fire Department

(b) The primary law enforcement agency (SSD, SPD, CHP, etc) and the agency's Bomb Squad

(c) Additional field officers

(d) Shift Supervisor and Chief

8416.3.2 CROWD CONTROL

No one should be allowed free access to the scene unless they have a legitimate and authorized reason for being there.

8416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The

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scene could be extended for several hundred feet. Evidence may be imbedded in nearby structures or hanging in trees and bushes, etc.

A search of the area should be conducted for other objects foreign to the area such as a secondary device. If an item is found, it should not be touched. The item should be secured and the officer should wait for the arrival of the Sheriff's Department Bomb Squad.

8416.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure shall be followed should a bomb threat call be received at the police facility and a search made for a destructive device.

8416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions shall be asked if a call of a bomb is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb right now?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, record the following:

- Time of the call
- Exact words of the person as accurately as possible
- Age and sex
- Speech patterns and/or accents
- Background noises

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is retrieved as evidence.

8416.4.2 RESPONSIBILITIES

As soon as a bomb threat has been received, the Supervisor will be advised and fully informed of the details. The Supervisor will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

Mental Illness Commitments

8418.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code § 5150. The commitment of a person under § 5150 does not constitute an arrest. If an officer believes that a person falls within the provisions of Welfare and Institutions Code § 5150, he/she shall transport that person to the designated facility for evaluation and commitment.

8418.2 AUTHORITY

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Pursuant to Welfare and Institution Code § 5150 when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, or other individual authorized by statute has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

8418.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected or actual mentally disabled individual or "5150" commitment should carefully consider the following:

- (a) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities
- (b) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons
- (c) Appropriate language usage when interacting with mentally disabled persons;
- (d) If circumstances permit, alternatives to lethal force when interacting with potentially dangerous mentally disabled persons
- (e) Community resources which may be readily available to assist with the mentally disabled individual(s)

8418.3.1 TRANSPORTATION

When transporting any individual for a "5150" commitment, the handling officer should have dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed. Officers may transport individuals voluntarily requesting treatment at a mental health facility if the officer deems the transport appropriate.

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those that are medically unstable may be restrained and transported by ambulance and ambulance personnel. The officer will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member. As soon as a security staff member becomes available, he/she should relieve the officer and physically remain in the treatment room with the patient.

8418.3.2 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

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8418.3.3 MENTAL HEALTH DOCUMENTATION

The officer will complete any paperwork required by the receiving facility and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to a facility staff member regarding the circumstances leading to the involuntary detention. All involuntary 5150 commitments will be documented by a casualty report.

8418.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

8418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the county jail before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she must be taken directly to the hospital to be medically cleared before booking into the jail or other facility.

8418.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150 and is found to own, have in his or her possession or under his or her control, any firearm whatsoever or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by the handling officer (Welfare and Institutions Code § 8102(a)).

Officers are cautioned that a search warrant may be needed before entering a residence to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

The handling officer shall further advise the person of the below described procedure for the return of any firearm or other deadly weapon which has been confiscated (Welfare and Institutions Code § 8102(a)). For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code § 16590.

8418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

(a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Patrol which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.

(b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire

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for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).

(c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of the California Penal Code.

(e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law.

8418.6 TRAINING

As a part of advanced officer training programs, this agency will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code § 13515.25.

Cite & Release Policy

8420.1 PURPOSE AND SCOPE

Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

8420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.

(b) A jail release is when a violator is released after being transported to the jail and booked.

8420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the District, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the District should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an

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arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer. Officers are encouraged to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

8420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with this law.

8420.3.1 FIELD CITATIONS

Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officers may issue citations to all persons. Officers may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense, whenever appropriate.

Officers shall release cited juveniles to their parents, legal guardian or other responsible adult, even if it means the officer must transport the juvenile to them. In the event that neither of these parties can be contacted, juveniles will be booked into juvenile hall.

8420.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released by SSD personnel after booking at the jail.

Any person arrested for a misdemeanor offense may be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed in Policy Manual § 420.33.

8420.3.3 DISQUALIFYING CIRCUMSTANCES

Penal Code § 853.6(i) specifies that a person arrested for a misdemeanor shall be released on a notice to appear unless one of following situations is present:

(a) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety

1. An arrestee shall not be released from custody for the sole purpose of allowing that person to obtain medical care with the intention of immediately re-arresting the same individual upon discharge from the hospital unless it can be determined that the hospital can bill and collect from a third party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303, and 40305.

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1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a ten day notice to appear or be taken without delay before a magistrate in the county of arrest.

2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the officer may require the individual to provide a right thumbprint (or other finger) however such print may not be used for other than law enforcement purposes.

3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.

(d) There are one or more outstanding arrest warrants for the person.

(e) The person could not provide satisfactory evidence of personal identification.

(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release may be noted on the booking form.

8420.3.4 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

Arrest or Detention of Foreign Nationals

8422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All Foreign Service personnel shall be treated with respect and courtesy, regardless of the level of established immunity.

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As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State [website](#).

8422.1.1 DEFINITIONS

Foreign National

Anyone who is not a citizen of the United States (U.S.). A person with dual citizenship, U.S. and foreign, is not a foreign national.

Immunity

Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

8422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

8422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

8422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

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8422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. This official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

8422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

8422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the Governor's Office of Emergency Services (OES), Law Enforcement Division.

8422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be

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presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

8422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

8422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

- (a) Identification documents are to be requested of the claimant
- (b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear
- (c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain
- (f) All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter
- (g) The violator shall be provided with the appropriate copy of the notice to appear

8422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations.

Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy. A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

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A supervisor shall be promptly notified and should respond to the scene when possible. Field verification of the claimant's identity is to be attempted as follows:

(a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered). The Department of State identification cards are 3 3/4 inch by 1 1/2 inch and contain a photograph of the bearer.

(b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest.

Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions
San Francisco, CA
(415) 7442910,
Ext. 22 or 23
(415) 7442913
FAX
(0800)1700
PST)

Office of the Foreign Missions
Los Angeles, CA
(310) 2356292,
Ext. 121 or 122
(310) 2356297
FAX
(0800)1700
PST)

Office of Foreign Missions
Diplomatic Motor Vehicle Office
Washington D.C.
(202) 8953521
(Driver License
Verification) or
(202) 8953532
(Registration
Verification)
(202) 8953533
FAX
(0815)1700
EST)

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Department of State
Diplomatic Security Service
Command Center
Washington D.C.
(202) 6477277
(202) 6471512
(Available 24 hours)
(202) 6470122
FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest Investigation

Report, Arrest Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

8422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a

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citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

8422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

8422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Supervisor/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief's office within 48 hours of the incident. The Chief's office will check to ensure that notification of Department of State and all necessary follow-up occur.

8422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance
- (c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence
After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.
 - Officers shall not stop or detain persons solely for determining immigration status.
 - International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
 - Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the

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individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

8422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention.

If the individual requests such notification, the officer shall contact SSD Communications Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide SSD Communications Center with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname if used;
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention, and the 24hour telephone number of the place of detention if different from the Department itself

If the foreign national claims citizenship of one of the countries listed in Table 1 (appendix), officers shall provide SSD Communications Center with the information above, as soon as practical, whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of treaty obligations with the particular countries. The list of specific countries that the United States is obligated to notify may also be found at the U.S. Department of State [website](#).

Officers should attempt to provide SSD Communications Center with request for embassy/consulate notification at the same time they provide incarceration information in order to expedite these notifications.

8422.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest Investigation Report the date and time SSD Communications Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

ARRESTS

8425.1 PURPOSE AND SCOPE

When to make a custodial arrest is important and has a substantial impact on Department resources, because in many instances there is only one officer on duty per shift. The purpose of this section is to identify when custodial arrests should be made.

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WARRANT ARRESTS:

Warrant arrests shall only be effected if the warrant is of FEC origin or is of \$10,000 in value or higher and meets the Main Jail's booking criteria at the time of the arrest or with permission of a supervisor

PROBATION/PAROLE VIOLATION:

Suspects shall not be booked by officers of this Department for probation and/or parole violations unless the addition of fresh charges requiring booking exist. Parole and probation officers desiring to have suspects held shall respond to the location of the arrest within a reasonable amount of time and assume custody.

Details of the "cite and release" of probationers and parolees for fresh charges may be sent to the respective officer/agent for violation consideration.

Officers of this Department shall not stand-by with a detained parolee or probationer who needs to be medically cleared before booking if the sole charge is PAL or probation violation, etc. In these cases, the suspect shall be released and his officer or agent notified.

Reporting Police Activity Outside of Jurisdiction

8426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Fulton El Camino Park Police.

8426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE DISTRICT

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from his/her supervisor. If the request is of an emergency nature, the officer shall notify SSD Communications Center before responding and thereafter notify a supervisor as soon as practical.

8426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE DISTRICT'S JURISDICTION

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Fulton- El Camino Park District or any currently served contract park district shall only do so when the action is in response to an immediate serious threat to public safety. Officers/Rangers engaging in law enforcement outside the jurisdictional boundaries described above will notify his or her supervisor at the earliest possible opportunity. Off duty officers/rangers shall act only as a witness when off duty unless action is necessary to respond to an immediate serious threat to public safety. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify his or her supervisor as soon as practical. The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the Chief.

Immigration Violations

8428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to

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equal enforcement of the law and equal service to the public regardless of alien status. Confidence in this commitment will increase the effectiveness of the Department.

8428.2 DEPARTMENT POLICY

The U.S Homeland Security Investigations (HSI) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry, etc. When assisting HSI at their specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, United States Code, §§ 1304, 1324, 1325 and 1326 this department may assist in the enforcement of federal immigration laws.

8428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S Homeland Security Investigations (HSI). The Employer Sanction Unit of the HIS has primary jurisdiction for enforcement of Title 8, United States Code.

8428.3.1 BASIS FOR CONTACT

The fact that an individual is suspected of being an undocumented alien alone shall not be the basis for contact, detention, or arrest.

8428.3.2 SWEEPS

The Fulton El Camino Park Police does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, socioeconomic status, or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, sexual orientation, etc.

8428.3.3 HSI REQUEST FOR ASSISTANCE

If a specific request is made by HSI or any other federal agency, this department may provide support services during the federal operation if approved by the Chief.

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

Any involvement in the operation of a Federal agency shall be immediately reported to a supervisor.

8428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

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If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

8428.3.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances).

8428.3.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may be booked into jail for the suspected criminal violation and held for bail.

If a person is detained pursuant to the authority of Vehicle Code § 40302(a), for an infraction that person may be detained upon approval of a supervisor for a reasonable period not to exceed two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction involved.

8428.3.7 NOTIFICATION OF HOMELAND SECURITY INVESTIGATIONS

If an officer believes that an individual taken into custody for a felony is also an undocumented alien, after he or she is formally booked and there is no intention to transport to the County Jail, HSI may be informed by the arresting officer so that they may consider placing an "immigration hold" on the individual.

Whenever an officer has reason to believe that any person arrested for any offense listed in Health & Safety Code §11369 or any other felony may not be a citizen of the United States, and the individual is not going to be booked into County Jail, the arresting officer shall cause HSI to be notified for consideration of an immigration hold.

In the event an individual, who is an undocumented alien, is taken to the County Jail for booking for a criminal charge, he/she will be automatically interviewed by an employee from HSI.

8428.3.8 DETERMINATION OF IMMIGRANT STATUS

Determination of immigration status is primarily the jurisdiction of U.S Homeland Security Investigations (HSI). Title 8, United States Code, § 1304(e), provides: "Every alien, 18 years of age and over, shall at all times carry with him and have in his or her personal possession any certificate of alien registration or alien registration receipt card issued to him pursuant to subsection (d) of this section. Any alien who fails to comply with the provisions of this subsection shall be guilty of a misdemeanor and shall upon conviction for each offense be fined not to exceed \$100 or be imprisoned not more than 30 days, or both."

8428.4 CONSIDERATIONS PRIOR TO REPORTING TO HSI

The Fulton El Camino Park Police is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any subject. Race, gender, religion, sexual orientation, age, occupation or other arbitrary aspects are of no bearing on the decision to arrest.

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All individuals, regardless of their immigration status, must feel secure that contacting law enforcement during times of crisis or to report suspicious or criminal activity will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. If it is determined that a victim or witness is an illegal immigrant, he/she need not be reported to HSI unless circumstances indicate such reporting is reasonably necessary.

Patrol Rifles

8432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Fulton El Camino Park Police will make patrol rifles available to, and/or assigned to qualified Officers as an additional and more immediate tactical resource.

8432.2 PATROL RIFLE

8432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned or approved by the Department and which is made available to properly trained and qualified Officers/Rangers as a supplemental resource to their duty handgun or shotgun. Personally owned rifles may be carried for patrol duty with preapproval, in writing, by the Chief and the department range master.

8432.3 SPECIFICATIONS

Only weapons and ammunition that meet department authorized specifications, approved by the Chief and department range master may be used by Officers/ Rangers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the AR15 platform equipped with iron sight system or the Ruger Mini-14. Personally owned rifles must be an AR15 or Ruger Mini-14 style .223/5.56 caliber rifle utilizing the original "Stoner open Gas system", or other approved make, model and caliber rifle from an approved manufacturer, as determined by the Chief and Range Master. A Officer wishing to assemble a rifle from parts, or full component assemblies to be used on duty, will be required to obtain approval of the individual parts or component assemblies to be utilized. Approval may be granted by the range master based on the quality of the parts and components, and approved by the Chief.

8432.3.1 RIFLE AMMUNITION

The only ammunition authorized for the patrol rifle is that which has been issued or approved by the department. This will consist of a quality "factory new" load in .223 caliber or 5.56mm. Reloaded ammunition shall not be used.

8432.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles, department owned or personally

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owned rifles utilized for duty, shall fall on the department Range Master or certified armorer who shall inspect and service each patrol rifle on an annual basis.

(b) Each Officer carrying a patrol rifle may be required to field strip and clean their patrol rifle as needed to ensure proper function and reliability.

(c) Each Officer shall be responsible for promptly reporting any damage or malfunction of an utilized patrol rifle.

(d) Each patrol rifle used on duty shall be subject to inspection by a supervisor, Range Master or Armorer at any time.

(e) No patrol rifle utilized on duty may be modified or accessorized without prior written authorization from the Range Master.

(f) ****Responsibility for the expense of repair and maintenance for a personally owned patrol rifle utilized for duty shall fall upon the Officer owning the rifle.**

432.4.1 RIFLE MODIFICATIONS / ACCESSORIES

Authorization for modifications or accessories will be requested in writing to the chief and armorer. The request shall identify all modifications to be performed and all accessories to be added, along with a detailed reason for such modifications and accessories. All modifications will be subject to inspection and final approval by the certified department Range Master or armorer.

(a) *A modification will be defined as any procedure that removes, replaces or modifies any part or system that is critical to the factory designed operation of the rifle.*

(b) *An accessory or accessorize will be defined as any item mounted to the exterior of the rifle for the purpose of enhancing the rifle's capabilities.*

Non-magnified "red dot" optic sighting systems may be utilized by Officers after completion of the department's optic training course and approval of the Chief. Any rifle equipped with an optic device, shall also be equipped with a back up iron sight system. The approved optic will be either an "Aimpoint" red dot sight or an "Eotech" holographic sight having a "tool-less" on/off quick disconnect mount. Back up iron sight and optics mounting systems must be approved prior to use by the certified department Range Master or armorer.

8432.5 TRAINING

Officers shall not be in possession of, or utilize the patrol rifle while on duty unless they have successfully completed departmental training. Any officer utilizing a short-barreled rifle or shotgun shall complete training consisting of an initial 24 hour patrol rifle operator's course (as required by PC 33220 (b) and satisfactory qualification score as determined by the department Range Master. Officers carrying standard length rifles will be required to demonstrate proficiency during normal range qualification. Officers shall thereafter be required to successfully complete department patrol rifle training, to be conducted minimally once a year in addition to the regular trimester qualifications.

Any Officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

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8432.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the Officer reasonably anticipates an armed encounter
- (b) When an Officer is faced with a situation that may require the delivery of accurate and effective fire at long range
- (c) Situations where an Officer reasonably expects the need to meet or exceed a suspect's firepower
- (d) When an Officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect.
- (e) When an Officer reasonably believes that a suspect may be wearing body armor
- (f) When authorized or requested by a supervisor

8432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Use of Force Policy, Policy Manual § 8300.

8432.8 PATROL READY

Any qualified Officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned Officer and meets the following conditions;

- (a) The chamber is empty.
- (b) The rifle bolt is forward/closed on an empty chamber.
- (c) The rifle selector switch is in the "Safe" position.
- (d) There is a fully loaded magazine fully seated in the rifle's magazine well.
- (e) The dust cover is closed (if applicable).
- (f) The rifle is stored in the locked patrol vehicle's rifle rack or a case in the trunk.

8432.9 RIFLE STORAGE

Department owned patrol rifles that have not been issued for use in the field will be secured in the department armory.

Department owned patrol rifles issued to Officers will be properly secured, at the end of the assigned Officer/Ranger's shift, in an appropriate locked storage container and stored in a controlled, safe location (i.e. department armory, locker, Ranger's residence in a locked condition)

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Field Training Officer Program

8436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Fulton El Camino Park Police.

It is the policy of this department to assign all new officers to a structured Field Training Program that is designed to prepare the new officer to perform in a patrol assignment, and possess all skills needed to operate in a safe, productive and professional manner.

8436.2 FIELD TRAINING OFFICER

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral Rangers in the application of their previously acquired knowledge and skills.

8436.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of four years of patrol experience, two of which shall be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and final approval of the Chief
- (f) Possess a POST Basic certificate

8436.2.2 TRAINING

An Officer/Ranger selected as a Field Training Officer shall have successfully completed a POST certified (40hour) Field Training Officer's Course or (80hour) Supervisor's Course prior to being assigned as an FTO. An Officer/ Ranger who doesn't have either certification must obtain the certification prior to consideration.

All FTO's must complete a 24hour Field Training Officer update course every three years while assigned to the position of FTO.

8436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Chief or his/her designee and shall possess a POST Supervisory Certificate. The FTO Program supervisor shall have the responsibility of, but not be limited to the following:

- (a) Assignment of trainees to FTO's
- (b) Conducting FTO meetings
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed

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- (d) Monitor individual FTO performance
- (e) Monitor overall FTO Program
- (f) Maintain liaison with other agency's FTO Coordinators
- (g) Develop ongoing training for FTO's

The FTO Program supervisor will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position.

8436.4 TRAINEE DEFINED

Any entry level or lateral officer newly appointed to the Fulton El Camino Park Police who meets the minimum qualifications.

8436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 200 hours.

The training period for a lateral officers may be modified by the Chief or Captain depending on the trainee's demonstrated performance and level of experience.

8436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

8436.6.1 FIELD TRAINING OFFICER

- (a) FTO's shall complete and submit a written evaluation on the performance of their assigned trainee to their supervisor on a daily basis.
- (b) FTO's shall review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) A detailed end of phase performance evaluation on their assigned trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTO's shall be responsible for signing off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

8436.6.2 IMMEDIATE SUPERVISOR

A supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Chief.

8436.6.3 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program.

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8436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End of phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Field Interviews & Photographing of Field Detainees

8440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and Pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

8440.2 DEFINITIONS

Field Interview

The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs

Field photographs are defined as a photograph taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual are not considered field photographs.

Pat-Down Search

This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable Suspicion

Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed.

8440.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific

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facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in a neighborhood or location is inappropriate.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

8440.3.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a suspect if he has articulable, reasonable suspicion to do so. A suspect however, should not be detained longer than is reasonably necessary to determine the individual's identity and resolve the officer's suspicions.

8440.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

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Whenever possible, pat-down searches should be performed by officers of the same gender.

8440.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

8440.5.1 PHOTOS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

8440.5.2 PHOTOS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if the photograph is taken during a detention based upon reasonable suspicion of criminal activity, and:

(a) The photograph serves some legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. There must be some facts that reasonably indicate that the subject was involved in or about to become involved in criminal conduct.

(b) The officer can articulate a reasonable suspicion that the individual is somehow involved in criminal activity.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, a noncustodial photograph shall not be taken. Further, no detention shall be prolonged for the sole purpose of taking a photograph.

8440.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

8440.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and be attached to either an associated FI card, incident report, or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, any associated report numbers should be noted on the photograph. The photographs and attachments will then be stored in a designated file within the office at the end of the shift. After reviewing the photograph and related material, a Supervisor may forward a copy of the photograph and attachments to the SSD Records Bureau or, when appropriate, directly to the case detective for further processing. When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in a designated file within the office in alphabetical order.

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8440.7.1 PURGING THE FIELD PHOTO FILE

Photographs that continue to serve a legitimate law enforcement purpose will be retained. Photos that no longer serve a legitimate purpose will be destroyed. Access to the FI photo file shall be strictly limited to law enforcement purposes.

8440.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact. The request to review the status of the photograph/FI shall be directed to the office of the Chief. Upon a verbal request, the Department shall send a request form to the requesting party along with a copy of this policy.

8440.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30 day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief or his/her designee to discuss the matter.

After carefully considering the information available, the Chief or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Fulton El Camino Park Police policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Fulton El Camino Park Police policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief or his/her designee determines that the original legitimate law enforcement

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interest in retaining a non-arrest F/I no longer exists or that the original F/I was not obtained in accordance with established law or Fulton El Camino Park Police policy, the original F/I may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief or his/her designee determines that any involved Fulton El Camino Park Police personnel violated existing law or department policy, the Chief or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Chief's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

Criminal Street Gangs

8442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code §§ 186.20 through 186.33 of the "Street Terrorism Enforcement and Prevention Act."

The intent of this policy is to establish a procedure that will be used to develop a file of information and maintain this file so that the information contained therein may be used for enhancing criminal prosecution of criminal street gang participants.

8442.2 DEFINITIONS

Pattern of Criminal Gang Activity

Shall mean the commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

Criminal Street Gang

Shall mean any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Penal Code § 186.22(e), and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

Gang Related Crime

Shall mean any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

8442.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

The Gang Information Unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

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(a) A group of three or more individuals shall be designated a criminal street gang when:

1. They have a common name or common identifying sign or symbol
2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in Policy Manual § 442.2(a)
3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2(a) of this policy
4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang

(b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a Gang Information Unit member and a reasonable basis for believing such affiliation has been established and approved by a supervisor:

1. An individual admits membership in a criminal street gang
2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang
3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information
4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise
5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes
6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang

(c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

8442.4 CRIMINAL STREET GANG FILE

A file of criminal street gang participants shall include:

(a) Names, aliases, monikers, addresses, and other relevant identifying information;

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- (b) Gang name;
- (c) Justification used to identify an individual as a criminal street gang participant;
- (d) Vehicle(s) known to be used;
- (e) Cross references to other identified gangs or gang members.

8442.5 FIELD CONTACTS

(a) Field Interviews

1. Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a F.I. card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink, in company of other validated gang members).

(b) Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

8442.6 NOTIFICATION TO PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the criminal street gang participant's file, such information shall be provided by the unit supervisor, unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

8442.7 DISSEMINATIONS OF THE FILE INFORMATION

Information from criminal street gang participant files may be furnished to Department personnel and other public law enforcement agencies only on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or in the investigation of gang-related crimes shall be released to members of this department and other law enforcement agencies.

8442.8 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

- (a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.
- (b) Whether any photographs were taken and a brief description of what they depict.
- (c) What physical evidence, if any, was observed, collected or booked.
- (d) A specific request to that a copy of the report be routed to the Gang Unit.

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Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

Supervisors

8444.1 PURPOSE AND SCOPE

Supervisors are responsible for monitoring employee performance and communicating in a manner consistent with departmental policies, to promote procedures, practices, functions and objectives in keeping with Department philosophy. To accomplish this goal, a Supervisor monitors each watch in the field or in an on-call status by telephone, radio, etc.

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a supervisor heads each watch.

8444.2 DESIGNATION AS ACTING SHIFT SUPERVISOR (OIC)

When a Supervisor is unavailable for duty as Shift Supervisor and more than one patrol unit is deployed on a shift, a qualified senior officer, or "OIC" (officer in charge), may be designated as acting Shift Supervisor. This policy does not preclude designating a less senior officer in charge(OIC) as an acting Shift Supervisor when operational needs require or training permits.

Mobile Data Terminal Use

8448.1 PURPOSE AND SCOPE

The Mobile Data Computers (MDC) accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

8448.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Watch Commander.

8448.2.1 USE WHILE DRIVING

Use of the MDC by the operator should be limited to times when the vehicle is stopped. Sending or reading MDC messages while a vehicle is in motion is a potentially dangerous practice. Short transmissions, such as entry of a license number for a stolen or registration check are permitted if they can be done safely. Reading messages while in motion by the operator should only be attempted when the message requires the operator's immediate attention. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

8448.2.2 DOCUMENTATION OF ACTIVITY

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MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

- (a) All contacts or activity shall be documented at the time of the contact;
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher;
- (c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC.

8448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDC system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC's.

8448.3 MDT CONSIDERATIONS

8448.3.1 NONFUNCTIONING MDT

Whenever possible, officers will not use units with malfunctioning MDT's. Whenever officers must drive a unit in which the MDT is not working, they shall notify SSD Communications Center. It shall be responsibility of SSD Communications Center to record all information that will then be transmitted verbally over the police radio.

8448.3.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDC's. Operating the MDC may cause some devices to detonate

8448.4 REMOVAL FROM THE VEHICLE

MDT's are an integral part of the patrol vehicle and shall only be removed from the vehicle as follows; for service or maintenance by authorized personnel for temporary official use during an officer's assigned shift, where circumstances require the officer have immediate access outside the patrol vehicle, such as inside the station, etc.

MDT's shall not be used for personal business, taken home, loaned to others or left inside the office/station. MDT's shall be left in the assigned vehicle docking station, in a locked position with the key removed and stored in the proper location.

8448.5 MDT SOFTWARE INTEGRITY

In order to maintain system integrity, employees of this Department shall not download or remove any software or program of any type, for any purpose, to Department MDTs without the express approval of the Chief and SSD Technicians.

Use of Audio Recorders

8450.1 PURPOSE AND SCOPE

The Fulton El Camino Park Police authorizes the use of audio and video recorders while on-duty.

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These recorders are intended to assist officers in the performance of their duties by providing an unbiased audio record of a contact.

8450.2 OFFICER RESPONSIBILITIES

At the beginning of each shift, the officer shall record his/her name, serial number and the current date and time. At the conclusion of each shift, the officer shall record the ending date and time regardless of whether or not any activity was recorded during the shift. Each officer shall be responsible for maintaining his/her own recordings until the media is either full or placed into evidence/safekeeping.

8450.3 ACTIVATION OF THE AUDIO RECORDER

Penal Code § 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however Penal Code § 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

(a) No member of this department may surreptitiously record a conversation of any other member of this department without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code § 3303(g).

(b) Any member of this department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

1. For the purpose of this policy, any officer contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.

2. For the purpose of this policy, it shall further be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted audio recorder will have knowledge that such a contact is being recorded.

(c) Members of the Department are encouraged to activate their recorders at any time that the officer reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit.

1. At no time should an officer jeopardize his/her safety in order to activate a recorder or change the recording media.

2. Officers are prohibited from utilizing department recorders and recording media for personal use.

8450.4 RETENTION OF RECORDING MEDIA

At any time that an officer records any portion of a contact which the officer reasonably believes constitutes evidence in a criminal case; the officer shall record the related case

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number and book the recording media into evidence or download the file in accordance with current procedure for storing digital files.

(a) The officer shall further note in any related report that the recording has been placed into evidence.

(b) Recording media placed into evidence shall be retained through the final disposition of the related criminal case.

8450.4.1 NONCRIMINAL MATTER

At any time that an officer reasonably believes that a recorded contact may be of benefit in a noncriminal matter (e.g., a hostile contact), the officer may book the recording media into safekeeping or download the file in accordance with current procedure for storing digital files.

(a) Under such circumstances, the officer shall notify a supervisor of the existence of the recording as soon as practicable.

(b) Recording media which have been placed into safekeeping shall be retained for a period of no less than 180 days or until the related matter has been closed (e.g., internal investigation, civil litigation).

Once any recording medium has been filled, the officer shall place it into safekeeping or download the file in accordance with current procedure for storing digital files where it shall be retained for a period of no less than 180 days unless utilized in a specific case.

8450.5 REVIEW OF RECORDED MEDIA FILES

Recorded files may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of officer conduct

(b) Upon approval by a supervisor, any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation

(c) By the personnel who originally recorded the incident

(d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case

(e) By media personnel with permission of the Chief or authorized designee

Medical Marijuana

8452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under California's Compassionate Use Act (Health & Safety Code § 11362.5) and criminal narcotics violations.

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8452.2 ENFORCEMENT

Although federal law does not currently permit possession of marijuana for medical use, California has created a limited defense (i.e. no penalty) for certain qualified individuals possessing small quantities of marijuana for medical use under strict conditions.

(a) Notwithstanding California Medical Marijuana laws:

1. California does not provide any exception for individuals driving under the influence of marijuana. All such cases should be handled with appropriate enforcement action (e.g., Vehicle Code § 23152, et seq.).
2. Medical marijuana may not be smoked outside of a residence within 1000 feet of a school, recreation center, youth center or in a vehicle or boat (Health & Safety Code § 11362.79).
3. No probationer or parolee may possess medical marijuana unless such possession is authorized in writing by court order or parole conditions (Health & Safety Code § 11362.795).

(b) Possession, cultivation and sales of marijuana in quantities beyond that which might reasonably be construed as for personal use should be handled as criminal cases with appropriate enforcement action taken pursuant to Health & Safety Code §§ 11357, 11358 and 11359.

1. The amount of marijuana possessed must be consistent with the medical needs of the qualified patient or person with valid ID card.
2. The quantity and form of marijuana must also be reasonably related to the patient's current medical needs.
 - (a) Absent a verifiable doctor's recommendation to exceed allotted quantities, a qualified patient or primary caregiver may possess no more than eight ounces of dried marijuana per qualified patient, or;
 - (b) Maintain no more than six mature, or twelve immature marijuana plants per qualified patient (Health & Safety Code § 11362.77(a)(b)).
 - (c) In any case involving the possession or cultivation of marijuana, the handling officer should inquire whether the individual is claiming that the marijuana is for medicinal purposes.
 1. If no such claim is made, the officer should proceed with normal enforcement action.
 2. If a claim of medicinal use is made, the officer should proceed as outlined below

8452.3 MEDICINAL USE CLAIMS

In order to qualify for a medicinal marijuana defense, any individual making such a claim must affirmatively establish the following information. If the individual cannot or will not provide all of the required information, the officer should note such fact in any related report and proceed with appropriate enforcement action.

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8452.3.1 PATIENTS

(a) An individual may establish his/her status as a qualified patient by presenting a current and valid state issued identification card issued by the Department of Health (Health & Safety Code § 11362.735). Such identification cards shall contain the following information:

1. A unique serial number.
2. An expiration date.
3. The name and telephone number of the county health department approving the application.
4. A 24-hour toll-free number for law enforcement to verify the validity of the card (Verification can be checked at www.calmmp.ca.gov).
5. A photograph of the cardholder.

No officer shall refuse to accept a properly issued identification card unless the officer has reasonable cause to believe that the information contained in the card is false or that the card is being used fraudulently (Health & Safety Code § 11362.78).

(b) If the individual does not possess a valid state issued identification card, the individual claiming status as a qualified patient must minimally provide the following information:

1. Satisfactory identification establishing current residency in California.
2. A current and valid medical marijuana ID card from a local governmental agency (e.g., county) or a current and verifiable, written recommendation for marijuana from a California licensed physician.
3. In the absence of a valid identification card, the handling officer should also obtain a written waiver from the involved individual authorizing the release of all related medical records.

8452.3.2 PRIMARY CAREGIVERS

Primary caregivers are subject to the following requirements (Health & Safety Code 11362.765):

- (a) A primary caregiver is not authorized to use, sell, or possess marijuana for sale.
- (b) A primary caregiver must provide sufficient proof that he/she is responsible for the patient's housing, health and/or safety.
- (c) A primary caregiver must provide sufficient proof of personal knowledge of the patient's medical needs and the details of the attending physician's recommendation.
- (d) Upon proof that a qualified primary caregiver is caring for more than one qualified patient, he/she may aggregate possession and cultivation limits. For example, a primary caregiver caring for three qualified patients may possess 24 ounces (eight ounces per patient) of marijuana (Health & Safety Code § 11362.7(d)(2)).
- (e) While qualified patients and primary caregivers may be permitted to collectively or cooperatively associate to cultivate medical marijuana, such individuals must strictly adhere to all non-profit and local business requirements (Health & Safety Code § 11362.775).

8452.3.3 CLAIM REQUIREMENTS MET

Once the handling officer is satisfied that the individual making a medicinal marijuana use claim meets the above requirements, the officer should proceed as follows:

- (a) Marijuana left in possession of a qualified individual for the limited purpose of medicinal use should be described and noted in the related report.
- (b) If the handling officer has already taken the individual into custody (vs. detention only) prior to establishing qualification for a potential medicinal use defense and there are no other criminal

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charges pending or being investigated, the individual should be released pursuant to Penal Code § 849(b).

- (c) If the individual remains in custody on any charge(s), the individual will not be permitted to use marijuana while being detained or held in jail or other law enforcement facility (Health & Safety Code § 11362.785(c)).
- (d) The handling officer shall complete a timely report which will be submitted to the District Attorney with all of the aforementioned documentation for a determination of whether the medicinal marijuana defense will apply.

8452.3.4 RETURN OF MARIJUANA

Regardless of the prosecution status or disposition of any related criminal case, this department will not be responsible for the return of any marijuana seized as evidence except as may be required by a valid court order (Cal. Health and Safety Code § 11473.5 and 21 U.S.C. § 885(d)).

Foot Pursuit Policy

8458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

8458.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect. Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

8458.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

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If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Canine search.
- (c) Saturation of the area with patrol personnel.
- (d) Aerial support.
- (e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

8458.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory
- (b) When the officer is acting alone.
- (c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) When the officer loses radio contact with SSD Communications Center or with backup officers.
- (h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

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(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

8458.4 RESPONSIBILITIES IN FOOT PURSUITS

8458.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier

(b) Location and direction of travel

(c) Reason for the foot pursuit

(d) Number of suspects and description

(e) Whether the suspect is known or believed to be armed

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify SSD Communications Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

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8458.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

8458.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

8458.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.
- (e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Homeless Populations

8467.1 PURPOSE AND SCOPE

The purpose of this policy is ensure that personnel are sensitive to the needs and rights of the homeless population, to establish procedures to guide police officers during casual and arrest situation contacts with the homeless, and to reaffirm that homelessness is not a crime.

8467.2 POLICY

It is the policy of the FEPD Police Department for all officials and personnel to provide appropriate law enforcement services to the entire community while protecting the rights, dignity and personal property of the homeless by policy, rules, regulations and practices.

8467.3 DEFINITIONS

Homeless Person - A homeless person is an individual who lacks housing because he/she cannot afford, pay for, or is otherwise unable to maintain regular, safe, and adequate housing. A homeless person may also have a primary day or night-time residency that is:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
- An institution that provides a temporary residence for individuals intended to be institutionalized;
- A public or private place not designed for use as a regular sleeping accommodation for human beings.

Basic criteria of a homeless individual is one who appears to need personal shelter, warmth and safety. This may include:

- Personal privacy, especially for sleeping;
- Safekeeping of bedding, clothing and possessions, which may have to be carried at all times;
- Hygiene and shaving complications;
- Obtaining, preparing and storing food in small quantities;
- Keeping contacts without a permanent location or mailing address.

Illegal Lodging - Under California Penal Code 647(e), anyone who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it is guilty of disorderly conduct, a misdemeanor.

Per *Black's Law Dictionary* and *The Civil Rights Legal Division Coalition on Homelessness*, a person is not lodging if he/she is just "hanging out" or "sleeping" for a while. Lodging means that a person is establishing living accommodations or a place of temporary residence by staying in one place for an extended period of time (more than a few days). An example of this would be a person living out of a tent on District property for a period of time.

Chapter 5 Traffic Operations

District Property Traffic Enforcement

8500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. The FEPD Police Department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs. All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic violations on all District owned, operated, or administered properties.

8500.2 DEFINITIONS

California Vehicle Code 21113(a): No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, *parking facilities*, or the grounds of any public school, state university, state college, unit of the state park system, county park, municipal airport, rapid transit district, transit development board, or transit district.

California Vehicle Code 21113(c): When any governing board, legislative body, or officer permits public traffic upon the driveways, paths, *parking facilities*, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board, legislative body, or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, *parking facilities*, or grounds.

8500.3 TRAFFIC ENFORCEMENT

District property traffic enforcement stops should only be done in police vehicles that are equipped with at least a steady burning red light in the front, amber flashing lights to the rear and a siren.

District property traffic enforcement (other than speed or reckless driving violations) shall only be done for those parking and/or moving violations where appropriate and maintained signage and/or road markings exists that conform to Department of Transportation standards.

District property traffic enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish citation quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy.

8500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions are encouraged and should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

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8500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation.

Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

8500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, and within department policies, such as reckless driving with extenuating circumstances

Suspended, Revoked, and Unlicensed Drivers

8501.1 PURPOSE AND SCOPE

To enforce laws pertaining to unlicensed or suspended and revoked drivers and provide a procedure for handling drivers operating vehicles while unlicensed, or while driving with a suspended and/or revoked driver's license. To provide a procedure for the tow and impound of vehicles used by such violators.

8501.2 DRIVER LICENSE STATUES VERIFICATION

Officers who contact the driver of a vehicle and become aware that he/she is operating the vehicle while unlicensed, or with a suspended and/or revoked driver's license shall:

- (a) Verify, whether on their MDC's or via dispatch, the driver's license statues via CLETS. Officers should request that dispatch print a copy with the case number on it. Officers shall request the service code on any suspension or revocation. Service Codes B through G and M indicate the person has been served notice of any suspensions and/or revocations.
- (b) If the driver's license has been suspended or revoked, but he or she has not been notified of the suspension or revocation, give him/her verbal notice of the suspension or revocation. Complete a DL-310 form and have the driver sign it. If the driver refuses to sign, write "refused" on the signature line. Confiscate any California Drivers License(s) per 4460 V.C. Forward the license and DL-310 to the traffic officer. Do not place the license into evidence.
- (c) If the driver has prior notification of the suspension or revocation, issue the driver a citation for the appropriate violation of 14601-14601.5 V.C. The violator's vehicle may be towed and stored pursuant to 22651(p) V.C. or towed and impounded pursuant to 14602.6(a) V.C.
- (d) Officers shall document their actions via the appropriate arrest report. A CHP-180 report will be required if the vehicle is impounded or stored. Officers citing drivers for infraction violations of 12500(a) V.C. or 14601.1(a) V.C. may use a citation report, unless the vehicle is impounded or stored.

Persons seeking release of their vehicles should be advised to contact the SSD Tow Detail during business hours

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Traffic Collision Involving Police Personnel

8502.1 PURPOSE AND SCOPE

This policy is to establish a procedure for reporting and reviewing traffic collisions involving on-duty FEPD police employees; and traffic collisions involving vehicles owned, leased or rented by the District and operated by, or assigned to, an on- or off-duty FEPD police employee.

8502.1.1 PROCEDURE

A Collision Review Board shall review traffic collisions involving on-duty police employees and traffic collisions involving vehicles owned, leased or rented by the District and operated by, or assigned to, an on- or off-duty FEPD police employee. The Board will determine if the collision was preventable, non-preventable, a non-collision, or legal intervention. The Board will not be responsible for determining or recommending discipline, or investigating or deciding on other possible procedural, rule, or legal violations.

The Board will not be used to review traffic collision involving the Chief of Police or Deputy Chief. The Chief will review collisions involving commanders, while the District General Manager will review collisions involving the chief.

Investigations of collisions covered under this policy will be conducted by sworn supervisors.

8502.2 COLLISIONS OCCURRING ON DISTRICT PROPERTY

- (a) FEPD employees involved in a collision occurring on District property shall notify the Communications Center as soon as practicable. The involved employee will advise that he/she has been involved in a traffic collision and request medical assistance for any involved parties, as needed. The employee shall also request that the appropriate zone supervisor be notified.
- (b) Upon notification, the on duty supervisor should proceed to the collision scene. The supervisor shall attempt to take verbal statements from all involved parties and complete the collision investigation. Any exceptions to having a supervisor at the collision scene to handle the investigation must be approved by a watch commander.
- (c) Collisions will be documented on the appropriate CHP Traffic Collision Report form, as follows:
 1. Property Damage Only (PDO) forms (CHP 555-03) may be used if:
 - (a) One or two parties are involved;
 - (b) No injuries or fatalities are incurred (including a complaint of pain);
 - (c) No anticipated prosecution;
 - (d) Non-injury hit-and-run collisions where prosecution is not anticipated or no follow-up information is available.
 1. A PDO requires a Collision Report narrative. This format consists of a following report headings: Notification, Statements, Summary, Area of Impact, and Cause. A sketch is required when preparing a PDO; however, a diagram is not. Refer to the CHP Collision Investigation Manual for specific report-preparation instructions Policy2 (Note: Nothing in this directive prohibits the documentation of a report qualifying as a PDO from being completed as a Collision Investigation as described below, at the discretion of the reporting officer or as directed by a supervisor.)

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2. All other collisions not qualified for completion on a PDO form shall be documented on a Traffic Collision Report (CHP 555) and will utilize the Investigation Narrative Format. This format requires the use of the following report headings: Facts (Notification, Scene, Parties, Physical Evidence, Hit and Run, Hazardous Materials, and Other Factual Information); Statements; Opinions and Conclusions (Summary, Area of Impact, Intoxication, and Cause); and, Recommendations. The Investigation Format requires a sketch and factual diagram.
 - (a) All Statements, causes, opinions and conclusions, and recommendations will be documented as required by either report format, regardless of who is at fault in the collision.
 - (d) All police employees operating, last in control of, riding in the involved vehicle(s), or witnessing the collision, shall submit a memorandum through the chain of command to the on-scene supervisor. Memos will detail the circumstances of the collision. If the involved employee(s) is unable to prepare a memo, the investigating supervisor shall take a verbal statement.
 - (e) If a supervisor does not prepare the collision report, that supervisor will gather all relevant information and prepare a memo describing the circumstances of the collision and an opinion as to fault. If fault is unclear, this fact must be noted. This memo shall be forwarded to the Collision Review Board chairperson.
 - (f) The on-scene or assigned supervisor will send a **copy** of the traffic collision report and all original memorandum(s) to the Board chairperson. All original reports shall be forwarded to the Records Section.
 - (g) In the event any involved party sustains fatal or severe injuries, the California Highway Patrol will be requested to respond and handle the investigation. If the CHP does not respond, a FEPD supervisor shall handle the investigation as outlined above. (Note: A severe injury is defined as an injury that results in broken, dislocated or distorted limbs, severe lacerations, or unconsciousness.)

8502.3 COLLISIONS OCCURRING OFF DISTRICT PROPERTY

- (a) FEPD employees involved in a collision occurring off District property must notify the Communications Center as soon as practicable. The involved employee shall advise that he/she has been involved in a traffic collision and request medical assistance for any involved parties, as needed. The employee shall also request that the appropriate FEPD supervisor be notified and the law-enforcement agency with jurisdiction of the collision site be contacted and requested to respond to investigate the collision. If the local agency or CHP is unable or declines to respond, a FEPD supervisor will be assigned to investigate the collision, providing that it occurred within the FEPD jurisdiction.
- (b) If the local law enforcement agency responds and handles the investigation, the involved employee is responsible for obtaining the investigating officer's name, case or incident number, and identifying information of the other involved parties.
- (c) All police employees operating, last in control of, or riding in the involved vehicle(s), or witnessing the collision, will submit a memorandum through the chain of command to the on-scene supervisor. Memos shall detail the circumstances of the collision. If the involved employee(s) is unable to prepare a memo, the investigating supervisor will take a verbal statement.
- (d) If the local law enforcement agency does not investigate the collision, the same reporting requirements regarding PDOs and Traffic Collision Reports, as listed in section 502.2 shall be utilized by the investigating FEPD supervisor.

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8502.4 ADDITIONAL SUPERVISORY RESPONSIBILITIES

In the event an employee is injured as a result of a traffic collision as described in this directive, a supervisor shall complete the Supervisor's Report of Injury/Illness report, and the Employee's Claim for Workers' Compensation Benefits form. The completed forms will be faxed to the appropriate locations and forwarded to the Records Section. All other injury reporting procedures also apply.

The supervisor shall also follow all procedures regarding the District's post-accident testing. Regulations for all safety-sensitive employees (all sworn classifications) call for post-accident testing if the collision results in the following: a fatality, regardless of the circumstances; an injury to any person which requires immediate medical treatment away from the scene of the accident; or, one or more of the involved District vehicles incurs disabling damage as a result of the occurrence and is transported from the scene by tow truck or other vehicle. (Note: "Disabling damage" means damage that prevents a vehicle's departure from the scene and would require more than temporary simple repairs or the changing of a tire in order to be driven away.)

For those employees not designated as safety-sensitive (civilian classifications), regulations call for post-accident testing if the collision results in the following: a fatality; a medical injury; or, District property damage of \$5,000 or more. (See District Substance Abuse Program for further details regarding post-accident testing for all FEPD employees.)

Vehicle Towing and Release Policy

8510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Fulton El Camino Park Police. Nothing in this policy shall require the Department to tow a vehicle.

8510.2 STORAGE AND IMPOUNDS

The tow and storage of vehicles/vessels shall be done in accordance with the current towing policy of the Sacramento County Sheriff's Department. All releases for vehicles towed are the responsibility of the Sheriff's Department.

The responsibilities of those employees towing, storing or impounding a vehicle are attached and shall be updated when changes to the policy occur. It shall be each officer's responsibility to remain current on changes in the law relating to towing vehicles, vessels, etc..

8510.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the SSD Records Bureau as soon as practicable after the vehicle is stored.

8510.2.2 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the

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community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

8510.2.3 DRIVING A NON-DISTRICT VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

8510.3 TOWING SERVICES

The Fulton El Camino Park Police utilizes towing firms from the rotational list of the Sacramento County Sheriff's Department. These firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Officers are expected to keep the "community care doctrine" in mind when deciding whether or not it is necessary to tow a vehicle.

8510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

8510.5 VEHICLE SEARCHES

Vehicles may be searched when one or more of the following conditions are met:

- (a) When probable cause to search the vehicle exists.
- (b) When it is reasonable to believe that the vehicle contains evidence of the offense of

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the arrest of the occupant(s).

(c) With consent of the operator.

(d) Incident to an arrest if the occupant(s) of the vehicle have not been secured and remain within reaching distance of the passenger compartment.

(e) To search for weapons when reasonable suspicion exists that a weapon may be present.

(f) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.

(g) Under emergency circumstances not otherwise enumerated above.

(h) Pursuant to a valid search warrant.

8510.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

8510.7 RELEASE OF VEHICLE

Owners of towed vehicles shall contact the Sacramento County Sheriff's Department, the agency which handles towing release services for Fulton-El Camino by agreement, to obtain a vehicle release. The Fulton El Camino Park Police is not involved in this process in any way.

Traffic Citations

8516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

8516.2 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation, and a written explanation for the void, shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the SSD Records Bureau.

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8516.3 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and is in need of correction, the officer issuing the citation shall submit the citation and complete a notice of citation correction form that shall indicate the corrections made to the citation. A copy of the correction notice shall be mailed by the reporting officer to the violator. A copy of the notice shall be attached with the citation and forwarded to the SSD Records Bureau

8516.4 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the SSD Records Bureau.

Upon separation from employment with the department, all employees issued traffic citations books shall return any unused citations to FEPD.

8516.5 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

8516.5.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

(a) Administrative reviews are conducted by the FEPD Hearing Officer who will review written/documentary data. Requests for administrative reviews are available at the front desk of the Fulton El Camino Park Police Office. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. The hearing officer reviews the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

8516.5.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 days of issuance of the notice of parking violation, or within ten days of the mailing of the Notice of Delinquent Parking Violation.

(b) Requests for administrative hearings must be postmarked within 15 days of the

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notification mailing of the results of the administrative review.

(c) Requests for appeal to the Superior Court must be made within 20 days of the mailing of the administrative hearing results.

(d) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address, and driver's license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.

8516.5.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.

(c) An appeal through Superior Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

Disabled Vehicles

8520.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

8520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

8520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

8520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

8520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request

Chapter 7 Equipment

Department Owned and Personal Property

8700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

8700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

8700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property approved for use on duty must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage. The supervisor shall direct a memo to the Chief, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage. Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required or approved for use on duty.

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8700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

8700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

8700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the District, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Chief.

Personal Communication Devices

8702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of department issued mobile phones and personal communication devices, and the on-duty use of such devices personally owned by personnel.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all Personal Communication Devices (PCD) as such, but is intended to include all mobile phones, Personal Digital Assistants (PDA), and other such wireless two-way communication and/or portable Internet access devices.

8702.1.1 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication.

The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service.

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8702.2 DEPARTMENTALLY ISSUED PCD

Depending on an employee's assignment and needs of the position, the Department may, at its discretion, issue a PCD. Such devices shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

8702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own PCD, while on duty subject to the following conditions:

(a) Carrying an individually owned personal communication device is optional and the district bears no portion of the cost incurred by the employee to have or operate the device for district business.

(b) The device shall be purchased, used and maintained at the employee's expense and risk. The district shall not be liable for loss or damage to individually owned PCD's used or possessed while on duty.

8702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the Department or personally owned, should only be used by on-duty employees for legitimate department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

(a) PCD's may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours). While employee's may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.

(b) Extended or frequent use of department issued PCDs or personally owned PCDs while on duty for personal use is prohibited and may be subject to discipline.

Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

8702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their call.

Except in the case of an emergency employees who are operating vehicles shall avoid use of cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands free listening and talking (Vehicle Code 23123 (a)). Such use should be restricted to business related calls of an urgent nature.

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8702.2.4 OFFICIAL USE

The use of personal communication devices may be appropriate the following situations:

- (a) Barricaded suspects.
- (b) Hostage situations
- (c) Mobile Command Post.
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political/community events.
- (f) Investigative stakeouts where regular phone usage is not practical.
- (g) Emergency contact with outside agency or outside agency field unit equipped with PCDs.
- (h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

Vehicle Maintenance

8704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

8704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. A supervisor shall be notified and the paperwork submitted at the station prior to the end of the officer's shift. The officer will place a "Out of Service" sign on the dashboard of the vehicle.

8704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

8704.3.1 VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 4 12 oz Bottles of Water (for OC decontamination)
- 1 Blanket
- 1 box of Protective gloves
- 1 Fire Extinguisher

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- 1 pair of Battery Jumper Cables
- 1 roll of automotive grade paper towels (used for checking engine oil level)

8704.3.2 PERSONAL EQUIPMENT LEFT IN VEHICLES

While on duty, officers may use a combination of both Department owned and personally owned and approved duty equipment. Officers shall remove all of their personally owned duty equipment and supplies from the patrol vehicle at the end of each and every shift. Lockers are provided to officers for storage of uniforms and equipment.

An exception may be made by the Chief in cases where a vehicle was assigned to a specific officer in special circumstances.

Department owned equipment which is not specifically assigned to the vehicle, such as the shotgun, patrol cell phone, etc., shall also be removed from the patrol vehicle at the end of each and every shift. Department equipment items, not assigned to individual officers, shall be stored in the designated Department locations to allow access to other officers.

The Department shall not be responsible for personally owned items removed from Department vehicles to allow access and use by other officers.

8704.4 VEHICLE FLUID LEVELS AND REFUELING

Maintaining proper fluid levels (oil & water) in all vehicles is critical. Prior to using any vehicle, officers shall check the oil and water levels at the beginning of every shift and add fluids if low.

Officers driving patrol vehicles shall fully refuel the vehicle before the end of their scheduled shift. This should be done during the last 30 minutes of the shift when completing other EOW duties.

8704.5 WASHING OF VEHICLES

All vehicles shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance. Officers shall utilize the department approved car wash when necessary.

Employees using a vehicle shall remove all trash or debris at the end of their shift. Interior surfaces/equipment (dash, steering wheel, door handles, consoles, etc) shall be wiped down if when needed. MDT's shall be wiped down with the appropriate cloth and cleaning solution.

Confidential material shall be placed in a designated receptacle provided for the shredding of this matter.

8704.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service" placards or light bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use Policy

8706.1 PURPOSE & SCOPE

The Department utilizes District owned motor vehicles operated by department personnel. In order to maintain a system of accountability and ensure District owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "District owned" as used in this section also refers to any vehicle leased or rented by the District.

8706.2 USE OF VEHICLES

8706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the in-car Computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify SSD Communications Center for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

8706.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first obtain permission from a Supervisor. This section does not apply to personnel who have been assigned a home retention vehicle.

8706.2.3 UNMARKED VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the Chief.

8706.2.4 AUTHORIZED PASSENGERS

Personnel operating department owned vehicles shall not permit persons other than District employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle. Any exceptions to this policy must first receive approval from the Chief.

8706.2.5 PARKING

District owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a District owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

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Currently the Department utilizes the SSD North Central Station for all operations. Parking of District and personal vehicles will be done in accordance with SSD policy. Vehicles shall be backed into parking spaces to allow ease of access in the event of mechanical breakdown.

8706.3 ASSIGNED VEHICLE AGREEMENT

District owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work related purposes.

The employee shall agree to the standard for how the vehicle shall be used and where it shall be parked when the employee is not on duty.

The vehicle shall only be used for work related purposes and shall not be used for personal errands, or transports, unless special circumstances exist and the Chief gives authorization. The agreement also requires the employee to be responsible for the vehicle's care and maintenance. The Department will provide necessary care/maintenance supplies and services.

The assignment of vehicles is at the discretion of the Chief. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

In the case of a vehicle assigned to the Chief, the General manager shall be the authority to grant or withdraw permission.

8706.3.1 VEHICLES SUBJECT TO INSPECTION

All District owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

8706.4 SECURITY

Employees may take home assigned District owned vehicles only with prior approval from the Chief and shall meet the following criteria:

(a) Off-street parking shall be available at the employee's residence.

(b) Vehicles shall be locked when not attended.

(c) All firearms and other weapons shall be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended (refer to Firearms policy § 312 regarding safe storage of firearms at home).

When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at the police facility.

8706.4.1 KEYS

In addition to issued District facility keys, all uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal set of keys to each patrol vehicle as part of their initial equipment distribution upon hiring. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

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8706.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Fulton El Camino Park Police, an officer shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Officers driving marked vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

8706.6 MAINTENANCE

(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of the vehicles they use.

1. Employees may use the wash racks at the police facility or maintenance yards (trusties may be used to clean vehicles, when available).
2. Cleaning/maintenance supplies will be provided by the department.

(b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

(c) Supervisors shall make, at a minimum, monthly inspections of vehicles under their command to ensure the vehicles are being maintained in accordance with policy.

(d) Routine maintenance and oil changes shall be done in accordance with District policy.

8706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Chief.

8706.7 ACCIDENT DAMAGE, ABUSE, AND MISUSE

(a) Any time a vehicle is involved in a traffic collision, either singularly or with another vehicle, an outside agency of authority will be requested to investigate the cause and responsibility. Incidents occurring in the county jurisdiction will require that CHP respond for a report. Incidents occurring in the city limits will require that the city police department respond for a report. The employee involved in the collision shall complete the District provided vehicle accident form and submit it to a supervisor prior to the end of the shift. If the employee is incapable, the supervisor shall complete the form.

(b) Any damage to a vehicle, not caused by a traffic collision, shall be immediately reported within the shift in which the damage was discovered, documented in an IDC and forwarded to the supervisor.

(c) An administrative investigation will be conducted to determine any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

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8706.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on duty, are exempt from paying the toll. Commuting, or returning to the District after an emergency does not qualify for this exemption and personnel using District owned vehicles are subject to the toll charge. To avoid unnecessary toll road violation charges, all employees operating a District owned vehicle upon the toll road shall adhere to the following:

(a) All employees operating a District owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the District for any toll fees.

(b) All employees passing through the Toll Plaza or booth during a response to an emergency shall document the response in an IDC and submitted to a memo to a supervisor with five working days explaining the circumstances.

Chapter 8 Support Services

Property Procedures

8804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

8804.2 DEFINITIONS

Property

Includes all items of evidence, items taken for safekeeping and found property.

Evidence

Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping

Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found Property

Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

8804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated SSD property locker or storage room the along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

8804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe all SSD property handling procedures and the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

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(b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(d) Place the case number on the bag and/or tag.

(e) The "Records" copy shall be submitted with the case report. A copy shall be attached to the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(f) When the property is too large (bicycles, etc) to be placed in a locker, the item may be retained outside of a locker in the property room.

(g) Property must be booked into SSD property lockers by the end of the shift in which the property was taken into the possession of the reporting personnel.

8804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately according to SSD policy, using a separate property record. Paraphernalia as defined by Health & Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated narcotics locker pursuant to SSD policy.

8804.3.3 FIREWORKS & EXPLOSIVES

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. Officers shall transport all fireworks, railroad flares, or fuses that are considered safe to the Fire Department on a regular basis. Officers who encounter what could be an explosive device, shall immediately notify their immediate supervisor and a SSD field Supervisor. Control of the incident will be relinquished to the SSD field Supervisor. The SSD Supervisor will notify the Explosive Ordinance Detail who will assume control of the investigation and all explosives for final disposition.

8804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately following SSD policy:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition)

Any officer with questions regarding property booking procedures should contact a supervisor for clarification before booking the property.

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8804.4.1 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, pursuant to SSD policy. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in accordance with SSD policy. A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

Chapter 9 Custody

Custody Searches

8902.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures which conform to Penal Code § 4030 regarding pat-down searches.

8902.2 DEFINITIONS OF SEARCHES

Pat-Down Search

This is the normal type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners.

8902.3 PAT DOWN SEARCHES

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal Pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer.

Chapter 10 Personnel

Recruitment and Selection

81000.1 PURPOSE AND SCOPE

The employment policy of the Fulton El Camino shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Fulton El Camino Department of Human Resources.

81000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience. All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

In addition, all applicants shall be screened to ensure compliance with the minimum standards identified in the District's Ranger Job description under "Minimum Qualifications". The Chief may waive any qualification requirement not mandated by law, and shall have the sole right to select which qualified applicants will move ahead to the interview process. Once the interviews are complete, the Chief shall have the sole right to select the successful applicant(s) for employment.

81000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Fulton El Camino Department of Human Resources maintains standards for all positions.

81001 SERVICE REQUIREMENTS

- (A) To remain in good standing with the department all officers, rangers, and reserve rangers shall work a minimum of twenty four (24) hours in a three (3) month period. The term "work" may include any compensated or volunteer time as determined by the Chief, not to include required trainings.
- (B) Officers, rangers, and reserve rangers shall attend all required trainings necessary to be able to perform the functions of their positions.

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Evaluation of Employees

81002.1 PURPOSE AND SCOPE

The objective of the evaluation system is to record work performance for both the Department and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards. All evaluations will be completed in accordance with the District Policy Manual.

81002.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

Pursuant to California Penal Code Section 832.6 Reserve Park Rangers will perform duties and be supervised in accordance with their commensurate level of training and corresponding classification (e.g. Level 1, Level 2, Level 3, etc.)

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. When a non-probationary employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, but at least 90 days prior to the end of the annual evaluation period, advise the employee in writing in order to provide an opportunity for the employee to improve performance. The involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, if desired. Failure to meet established performance standards is justification for an unsatisfactory rating. Rating factors that are not observed are assumed to be performed at a standard level.

81002.2.1 SCHEDULES

All personnel are to comply with published schedules produced by department supervisors. No personnel may alter the schedule or vary their scheduled shift without approval of a supervisor.

81002.3 EVALUATION FREQUENCY

All employees will be evaluated on an annual basis unless a mid-year evaluation is deemed necessary by the Chief or his/her designee.

81002.4 PROBATIONARY PERSONNEL

Sworn Full Time(FTE) personnel are on probation for 6 months before being eligible for certification as permanent employees.

Sworn Part Time(PTE) personnel are on probation until completion of 1040 compensated or volunteer working hours.

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Probationary officers are evaluated monthly during the probationary period.

81002.5 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

81002.6 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor. The rater's supervisor shall review the evaluation for fairness, impartiality, uniformity, and consistency. The rater's supervisor shall evaluate the supervisor on the quality of ratings given.

81002.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to District Department of Human Resources.

Hepatitis and HIV Testing

81008.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of contacts with the bodily fluids of individuals and an HIV testing procedure in accordance with the Legislature's declaration of a public health crisis in Penal Code § 7500, et seq.

81008.2 REPORTING REQUIREMENTS

Any employee who believes that he/she came into contact with bodily fluids of an individual who has been arrested or taken into custody shall complete a State Department of Health Services form (CDPH 8479). This form includes the names of witnesses to the incident, names of persons involved in the underlying incident, and if feasible, any written statements from these parties. This form shall be in addition to any other reports related to the underlying incident (Penal Code § 7510).

The employee's form CDPH 8479 shall be submitted by the end of the shift during which the incident occurred, or if not practicable, as soon as possible, but no longer than two days after the incident, unless waived by the county's Chief Medical Officer.

Upon completion of form CDPH 8479, it and all available related reports shall be forwarded immediately to the county's Chief Medical Officer.

81008.2.1 CONFIDENTIALITY OF ALL REPORTS

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All information obtained and reported pursuant to this procedure shall be kept confidential and may not be released except as provided by law (Penal Code § 7517).

81008.2.2 MISDEMEANOR TO FILE FALSE REPORT

Any employee who willfully files a false form CDPH 8479 or a false request for HIV testing may be subject to discipline as well as misdemeanor criminal sanctions (Penal Code § 7540).

81008.3 REQUEST FOR HEPATITIS OR HIV TESTING

Any employee who desires that the individual be tested for hepatitis B, hepatitis C, or HIV shall indicate such a request on the form CDPH 8479 (Penal Code § 7510).

81008.4 AVAILABLE COUNSELING

In addition to any other available employee assistance programs, personal counseling may be available through the Chief Medical Officer to any law enforcement employee who has filed a form CDPH 8479 (Penal Code § 7510).

81008.5 PROCEDURE TO DETERMINE TESTING

Within 24 hours of receipt of any form CDPH 8479, regardless of whether or not a request for testing was made, the Chief Medical Officer shall determine whether or not the involved individual shall be required to submit to HIV testing (Penal Code § 7511(a) and (b)).

Any individual ordered by the Chief Medical Officer to submit to hepatitis B, hepatitis C or HIV testing has three calendar days to appeal such an order by submitting form CDPH 8457. The District will convene an appeal panel pursuant to Penal Code § 7515(b) to handle any such appeal. If no appeal is filed in a timely manner, the order of the Chief Medical Officer shall become final (Penal Code § 7515(a)).

Any decision by the appeal panel may be appealed by the individual or the involved employee to the Superior Court which is required to review the matter as expeditiously as possible (Penal Code § 7516.5).

81008.6 TESTING PROCEDURE

In the event that an individual is ordered to be tested for hepatitis B, hepatitis C or HIV, such tests shall consist of a blood sample withdrawn in a medically approved manner by a licensed physician, nurse, medical technician, or phlebotomist (Penal Code § 7530). All test samples shall be submitted to a licensed medical laboratory that has been approved by the State Department of Health Services for the conducting of hepatitis B, hepatitis C or HIV testing.

81008.6.1 REFUSAL TO SUBMIT TO TESTING

Any person who has been ordered to submit to required hepatitis B, hepatitis C, or HIV testing and, who refuses to submit to such testing shall be subject to revocation of bail, probation, or other sentence (Penal Code § 7519(a)).

The refusal of any probationer or parolee to submit to required hepatitis B, hepatitis C or

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HIV testing may be considered a violation of probation or parole.

81008.6.2 TEST RESULTS

Any employee who had direct contact with the bodily fluids of an individual who is determined to have tested positive for hepatitis B, hepatitis C, HIV or AIDS shall receive confidential notification from the Chief Medical Officer.

Reporting of Employee Convictions

81010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

81010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Pursuant to the Federal Domestic Violence Gun Control Act (18 United States Code §§ 921(a) and 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition.

Misdemeanor crimes of domestic violence are defined as misdemeanors under federal or state law, having as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim. Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. This federal restriction, however, does not apply to Temporary Restraining Orders (18 United States Code § 922(d)(8)).

Penal Code § 29825 prohibits any person convicted of certain offenses including, but not limited to Penal Code §§ 273.5, 273.6 and 646.9, from lawfully possessing a firearm. Family Code § 6389 prohibits any person from carrying a firearm if they are currently the subject of a domestic violence restraining order (including temporary and emergency orders).

81010.3 OTHER CRIMINAL CONVICTIONS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job. Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

81010.4 REPORTING PROCEDURE

All employees of this department and all retired officers with a CCW endorsement shall promptly notify their immediate supervisor (or the Chief in the case of retired officers) in

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writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any. All sworn employees and all retired officers with a CCW endorsement shall further promptly notify the Chief in writing if the employee becomes the subject of a domestic violence restraining order issued by a court of competent jurisdiction.

Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination. Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

81010.5 PROCEDURE FOR RELIEF

Pursuant to the California Penal Code a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under the California Penal Code will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time. Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

Alcohol and Drug Use Policy

81012.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Fulton El Camino Park Police discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

81012.2 GENERAL GUIDELINES

The consumption of alcohol or other intoxicants is prohibited by on-duty personnel.

Employees who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty.

81012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on District property, at work, or while on duty. Department employees shall not illegally manufacture any alcohol or drugs while on duty, on District property or at any

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other time.

81012.2.2 USE OF PRESCRIBED MEDICATIONS

Department employees who are medically required to take prescription medications during work hours shall not allow such medications to impair their ability to perform their work. Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of their position shall report the need for such medication to their supervisor immediately. No employee shall be permitted to work or drive a department owned or leased vehicle while taking such potentially impairing medication without a written release from his or her physician.

Communicable Diseases

81016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- To reduce exposures to bloodborne pathogens (BBP) and other potentially infectious body fluids
- To assist Department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE)
- To protect the privacy rights of all Department personnel who may be exposed to or contract a communicable disease during the course of their duties
- To provide appropriate treatment and counseling should an employee be exposed to a communicable disease

81016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODY FLUIDS

All department personnel who may be involved in providing emergency medical care, or who come in contact with another person's blood or body fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines.

81016.2.1 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

81016.2.2 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Rescue mask with a one-way valve

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- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend)

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

81016.2.3 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials. Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

81016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

81016.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or if available, in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

81016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained. Contaminated broken skin (e.g., injured skin, open wound) shall be cleaned using an

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approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area.

81016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one handed method shall be employed to avoid a finger prick. Disposal, when possible, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

81016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

81016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated broken skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

81016.3.6 DECONTAMINATION OF NONDISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

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Grossly contaminated non-disposable equipment items shall be transported to a hospital or fire station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Nonporous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one quarter cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

81016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned it shall be discarded as contaminated waste.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

81016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible. Vehicles may be taken to the main jail for decontamination as well.

81016.4 POSTEXPOSURE REPORTING AND FOLLOWUP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities, ensure the best protection, and care for the employee(s).

81016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

In order to provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally if the exposure involves contact with the bodily fluids of an individual who has been arrested the employee must also comply with reporting requirements described in Policy Manual § 1008.

81016.4.2 SUPERVISOR REPORTING REQUIREMENTS

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The supervisor on duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Names and social security numbers of the employee(s) exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) What potentially infectious materials were involved
- (e) Source of material or person
- (f) Current location of material or person
- (g) Work being done during exposure
- (h) How the incident occurred or was caused
- (i) PPE in use at the time of incident
- (j) Actions taken post-event (cleanup, notifications, etc.).

The supervisor shall use the above information to prepare a written summary of the incident, its causes, and recommendations for avoiding similar events. This report will be provided to the ECO, the consulting physician, and to the District's Risk Manager.

81016.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any employee who received exposure or suspected exposure to HIV or to Hepatitis B or C should be seen by a physician (or qualified health care provider) as soon as possible. The doctor (or qualified health care provider) shall review the supervisor's report, the employee's medical records relevant to the visit and examination, and the Communicable Disease Notification Report (Penal Code § 7501(a)).

Employees shall follow District Policy related to obtaining medical services for job related exposure to diseases.

Smoking Policy

81018.1 PURPOSE AND SCOPE

The Surgeon General has determined that secondhand smoke is hazardous to health.

Tobacco products may also be offensive to employees and the public.

81018.2 POLICY

Smoking and other use of tobacco products is not permitted inside department facilities or any department vehicle. It shall also be the responsibility of all employees to ensure that

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no person smokes or uses any tobacco product inside department facilities and vehicles. No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any Department facility) for any purpose (Government Code § 7596 et seq.).

Employees in uniform are also prohibited from smoking or using tobacco products while in public view.

Personnel Complaint Procedure

81020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

81020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

Personnel Complaints shall be classified in one of the following categories:

Informal

A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal

A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Internal Affairs investigator depending on the seriousness and complexity of the investigation.

Incomplete

A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent followup investigation. At the discretion of the assigned supervisor or the Internal Affairs investigator, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

81020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

81020.2.1 AVAILABILITY OF COMPLAINT FORMS

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Personnel complaint forms will be maintained in a clearly visible location in the public lobby of the District office.

81020.2.2 SOURCE OF COMPLAINTS

(a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

(c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

81020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action

(b) When an uninvolved supervisor determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint

81020.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints as a supervisor or Supervisor log entry.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure

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accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

81020.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the Chief or authorized designee. The investigator shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Chief is notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Commanding Officer of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Internal Affairs investigator for further action.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.

2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.

3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Unit Commander or the Chief who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Chief for direction regarding their role in investigation and/or addressing the complaint.

81020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

81020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall

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continue to receive regular pay and benefits pending the imposition of any discipline

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered

(e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Chief

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned

81020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

81020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Internal Affairs investigator, the following procedures shall be followed with regard to the accused employee(s):

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- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).
- (b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to *Lybarger*. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).
- (h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

81020.6.1 ADMINISTRATIVE SEARCHES

An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- When the employee, whether on or off-duty, is involved in a shooting or police related death.

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- When the employee is involved in an injury or fatal accident while on duty.
- When the employee is involved in an injury or fatal accident while operating any District owned vehicle whether on or off-duty.
- When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

81020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction

Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis

Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations

List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation

Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion

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A recommendation regarding further action or disposition should be provided.

Exhibits

A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

81020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded

When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

Exonerated

When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained

When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained

When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

81020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within a reasonable period following receipt. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal trial.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s).

Once received, the Chief may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with

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a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief to discuss the matter further.

81020.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All formal personnel complaints shall be maintained for a period of no less than five years. (Penal Code § 832.5) All noncitizen (e.g., those that originate internally) initiated complaints shall be maintained no less than two years (Government Code § 34090 et seq.). Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Internal Affairs investigator apart from the employee's personnel file.

Seat Belt Procedure

81022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

81022.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in Department-owned, leased or rented vehicles and while operating or riding in privately owned vehicles while on duty. The driver is responsible for ensuring all occupants, including nonemployees, are in compliance with this policy.

It is the intent of this policy that all employees wear seat belts whenever possible. However, sworn officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seat belt would hinder rather than increase safety.

81022.2.1 TRANSPORTING CHILDREN

An approved child safety restraint system should be used for all children of age, size or weight for which such restraints are required by law (Vehicle Code § 27360). In the event that an appropriate approved child safety restraint system is not available, the child may be transported by sworn personnel and should be restrained in a seat belt (Vehicle Code 27363(b)).

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Rear-seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child restraint system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. In the event this is not possible, officers should consider arranging alternative transportation.

81022.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

81022.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

Body Armor

81024.1 PURPOSE AND SCOPE

Practical safety measures should be used to reduce the risks and hazards associated with police work. The Department provides soft body armor for personnel in an effort to improve safety.

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81024.2 BODY ARMOR

Soft body armor vests are issued to all sworn personnel because they have been shown to be effective in reducing deaths and serious injuries.

81024.2.1 USE OF SOFT BODY ARMOR

The Department encourages all on-duty officers to wear soft body armor. The use of soft body armor in some instances is required.

When officers are assigned to patrol, a special operation, stakeout, service of felony arrest warrant(s), or, are serving a search warrant at a location where there is reason to believe a

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felony suspect may be present, the wearing of a body armor is mandatory. Body armor must be either department-issued or department approved.

A stakeout, for purposes of this section, is a preplanned event where time and practicality allow officers to put on body armor in anticipation of encountering armed or dangerous suspects or circumstances.

81024.2.2 WEARING OF BODY ARMOR OUTER CARRIERS

Officers may wear body armor in an "outside the uniform shirt" tactical carrier of an approved style and color, to help prevent lower back injury and heat exhaustion. The body armor may also be worn in its standard carrier with a marked "tac vest" over the body armor. The carrier may have removable or permanent pouches and pockets allowing for the carrying of the officers normal duty belt equipment (radio, handcuffs, weapon magazines, etc).

The carrier may be worn over the BDU/TDU uniform shirt, approved Department Polo and tshirt, and shall be marked with insignia as follows:

- a.) The front of the carrier/vest shall be display the officers last name over the right breast area and an approved cloth badge over the left breast area. (the issued metal badge may also be worn on a clip)
- b.) The back of the carrier/vest shall be the word "POLICE" in large letters across the shoulder area.

Peace Officer Personnel Files

81026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

81026.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.

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(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

81026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department File

That file which is maintained in the office of the Chief as a permanent record of a sworn officer's employment with this department.

Division File

Any file which is separately maintained internally by an employee's supervisor(s) within an assigned command for the purpose of completing timely performance evaluations.

Supervisor Log Entries

Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File

Any file which documents the training records of an employee.

Internal Affairs Files

Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File

That file which is maintained separately that exclusively contains material relating to an employee's medical history.

81026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the General Manager, District Counsel or other attorneys or representatives of the District in connection with official business.

81026.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Supervisor, the Custodian of Records or other supervisor charged with the maintenance of such records.

Upon receipt of any such request, the responsible supervisor shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

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The responsible supervisor shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

81026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146(e)).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any, was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

81026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files which have not been sustained against the employee

81026.7 TYPES OF PERSONNEL FILES

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Peace officer personnel files can be located in any of the following places:

81026.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education

1. It shall be the responsibility of the involved employee to provide the training officer or immediate supervisor with evidence of completed training/education in a timely manner.

2. The training officer or supervisor shall ensure that copies of such training records are placed in the employee's department file.

(c) Disciplinary action;

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090)

2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5)

3. Investigations of complaints which result in a finding of not sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.

(d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years (Government Code § 3305)

1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306)

2. Any such employee response shall be attached to and retained with the original adverse comment.

3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s)

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(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status

(g) A photograph of the employee

81026.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations

1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.

2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the division file.

81026.7.3 INTERNAL AFFAIRS FILE

The internal affairs file shall be maintained under the exclusive control of the Internal Affairs investigator in conjunction with the office of the Chief. Access to these files may only be approved by the Chief or the supervisor of the Internal Affairs investigator. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct regardless of disposition

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., 09001, 09002) with an alphabetically arranged index card cross referenced for each involved employee.

2. Each investigation file arising out of a formal citizen's complaint shall be maintained no less than five years. Investigation files arising out of internally generated complaints shall be maintained no less than two years.

(b) Investigations which result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Department to adversely affect an employee's career.

81026.7.4 TRAINING FILES

An individual training file shall be maintained by the Internal Affairs investigator for each employee. Training files will contain records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.

(a) It shall be the responsibility of the involved employee to provide the Training

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Manager or immediate supervisor with evidence of completed training/education in a timely manner

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the employee's Training File

81026.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, followup inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.

(e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

81026.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of noncitizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090 and Government Code § 26202).

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

81026.9 BRADY MATERIAL IN PERSONNEL FILES

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The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

81026.9.1 DEFINITIONS

Brady Material

In the *Brady v. Maryland* decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution

Refers to the District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

Penal Code § 1054.1

California law also establishes a criminal defendant's right to access potentially exculpatory evidence.

81026.9.2 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY

Pursuant to Penal Code § 832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing a So-called Pitchess motion (Evidence Code § 1043 et seq.) is when they are investigating the conduct of an officer or this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer(s) or a specific investigation of this department (or the consent of an involved officer), no confidential information from any officer's personnel file shall be released to the District Attorney or Grand Jury without full compliance with the Pitchess process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code § 1043, et seq.

81026.9.3 PROCEDURE

If an officer is a material witness in a criminal case, a person or persons designated by the Chief may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:

(a) In the event that a Pitchess motion has not already been filed by the criminal defendant or other party, the District Attorney shall be notified of the potential presence of Brady material in the officer's personnel file

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(b) The District Attorney should be instructed to file a Pitchess motion in order to initiate an in camera review by the court

(c) As with any Pitchess motion, and prior to any review of the files by the court, subject officer(s) shall be notified in writing that a Pitchess motion has been filed

(d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant Brady material contained in the file(s), only that material ordered released will be copied and released to the parties filing the Pitchess motion

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the Court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

Employee Commendations

81030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

81030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person in charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

81030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee

81030.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name, bureau, and assignment at the date and time of the commendation

(b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate

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(c) Signature of the commending supervisor

Completed reports shall be forwarded to the appropriate Division Commander for his/her review. The Division Commander shall sign and forward the report to the Chief for his/her review.

The Chief will return the commendation to the employee for his/her signature. The report will then be returned to the Administrative Secretary for entry into the employee's personnel file.

Fitness for Duty

81032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

81032.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

81032.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Supervisor or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

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(e) The Chief shall be promptly notified in the event that any employee is relieved from duty.

81032.4 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for a period of (5) days for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

81032.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10

(c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

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81032.6 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

Outside Employment

81040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief in accordance with the provisions of this policy.

81040.1.1 DEFINITIONS

Outside Employment

Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime

Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

81040.2 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the

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employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

(d) Involves time demands that would render performance of the employee's duties for this department less efficient

81040.2.1 OUTSIDE EMPLOYMENT

Consistent with the provisions of Penal Code § 70 (D) (2), and because it would further create a potential conflict of interest, no member of this department sworn under Penal Code sections 830.1, 830.31, or 830.6 Designated level 1 may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position without the express written consent of the Chief of Police.

Permission will not be granted for the following types of outside employment:

Bounty Hunting/Skip Tracing

Bodyguard Services

Employment at establishments whose primary business is the serving of alcohol

Outside employment will be subject to the same time limitations on hours worked as described in section 81032.6. No employee of the Fulton- El Camino Park Police will be permitted to work if the combination of outside employment hours and scheduled park police hours exceed the limits of 81032.6.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to

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normal overtime procedures.

5. Outside security services shall not be subject to the collective bargaining process.

6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief.

81040.2.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

81040.3 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

Outside Employment 220

Personal Appearance Standards

81044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

81044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief has granted exception.

81044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance. For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

81044.2.2 MUSTACHES AND GOATEES

A short and neatly trimmed mustache and goatee may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip. Goatees may not extend more than 1 inch from the side of the mouth or chin.

81044.2.3 SIDEBURNS

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Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

81044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches, goatees and eyebrows shall not be worn, unless authorized by the Chief or his designee.

Male officers shall be clean shaven, except for eyebrows and approved mustaches, goatees and sideburns, when reporting for duty.

81044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

81044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

81044.3 TATTOOS

While on duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).

81044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

Uniform Regulations

81046.1 PURPOSE AND SCOPE

The uniform policy of the Fulton El Camino Park Police is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated

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Policy Manual sections:

Section 8700 Department Owned and Personal Property

Section 81024 Body Armor

Section 81044 Grooming Standards

Only those uniform items and equipment approved by the Chief are permitted.

81046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need. Sworn employees of the department shall be issued uniforms in accordance with the following:

Part-time employees working less than 24 hours a week on a regular basis will be issued one (1) long sleeve uniform shirt, one (1) short sleeve uniform shirt, and one (1) pair of uniform pants. Part-time employees working 24 hours or more a week on a regular basis shall be issued two (2) long sleeve uniform shirt, two (2) short sleeve uniform shirt, and two (2) pair of uniform pants. Full-time employees shall be issued three (3) long sleeve uniform shirt, two (3) short sleeve uniform shirt, and four (4) pair of uniform pants. All employees will be issued one (1) pants belt, one (1) duty belt and duty belt equipment deemed necessary by the Chief.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform except in those circumstances authorized by the Chief or his designee.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or authorized events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform

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unless specifically authorized by the Chief or his designee.

1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet

81046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty and when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by the Chief or his designee.

81046.3 INSIGNIA AND PATCHES

- (a) **Shoulder Patches** The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) **Service stripes, stars, etc.** Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate in the appropriate color, shall be worn at all times while in uniform. The nameplate shall minimally display the employee's last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate in the appropriate color, shall be affixed to the jacket in the same manner as the uniform.
- (e) **Assignment Insignias** Assignment insignias, (Rifle, FTO, etc.) may be worn centered and 3/4 inch above the name plate or an authorized sewn on cloth nameplate. When worn with other approved service ribbons/bars the insignia will be centered three quarters of an inch above those ribbons/bars.

- (f) **Flag Pin** US flag pin/bars may be worn, centered above the nameplate. When

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worn with other approved service ribbons/bars the flag will be centered above those ribbons/bars.

(g) Badge The department issued badge must be worn and visible at all times while in uniform. An authorized sewn on cloth badge patch may be worn in place of the metal badge on uniform classes C or other specially authorized uniforms.

(h) Rank Insignia The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief may authorize exceptions. Sergeants shall wear sewn on rank insignia on the sleeves of all shirts and jackets. Ranks above Sergeant shall wear the appropriate approved collar/epilate insignia which shall be in the approved color.

81046.3.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county From the time of death until midnight on the day of the funeral.

(c) Funeral attendee- while attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) From 0001 hours until 2359 hours.

(e) As directed by the Chief.

81046.4 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T shirt alone
2. Open toed sandals or thongs
3. Swimsuit, tube tops, or halter tops
4. Spandex type pants or see through clothing
5. Distasteful printed slogans, buttons or pins

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(e) Variations from this order are allowed at the discretion of the Chief or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Fulton El Camino Park Police or the morale of the employees.

81046.5 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief, Fulton El Camino Park Police employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Fulton El Camino Park Police to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or nonprofit publication, or any motion picture, film, video, public broadcast, or any website.

81046.6 OPTIONAL EQUIPMENT MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property. (Policy Manual § 700)

81046.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Fulton El Camino Park Police employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief or designee.

Fulton El Camino Park Police employees may not use or carry any safety item, tool or

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other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief or designee.

Department Badges

81052.1 PURPOSE AND SCOPE

The Fulton El Camino Park Police badge and uniform patch as well as the likeness of these items and the name of the Fulton El Camino Park Police are property of the Department and their use shall be restricted as set forth in this policy.

81052.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges of this department shall be displayed, carried or worn by members while on or off duty, or otherwise acting in an official or authorized capacity.

81052.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Fulton El Camino Park Police with the written approval of the Chief.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 8700.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

81052.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher, etc.).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

81052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for

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display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

81052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

81052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Fulton El Camino Park Police. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief.